

Gentlemen of the Legislature; my Fellow Citizens.

I deeply appreciate the honor and distinction that the people of Texas have conferred upon me. In taking the oath of office which has just been administered to me, I realize fully the responsibility which the obligation carries with it. I want to say that I have taken that oath of office four times before, and I challenge any citizen of Texas today to say that I have not observed faithfully its injunctions and responsibilities. I hope, my fellow citizens, that we will have a successful, restful and peaceful administration of public affairs during the next two years in this State. I promise you now to consecrate an honest and sincere heart and an honest and sincere purpose to enforce the laws and uphold its dignity and preserve the rights of persons and of property throughout the confines of the State of Texas. Without bitterness and without strife I hope I will have the co-operation of the members of the Legislature and the citizenship of Texas at large. I want the members of the Legislature to feel at home in the Governor's office; come and counsel with me and let me counsel with you, whether you agree with me on policies and upon questions that are confronting you or not. I ask that you candidly confer with me and see whether we can adjust our differences and unite upon a policy which will lead Texas to the first place in the sisterhood of States. I pledge you now every effort of mine shall be directed to the upbuilding and development of our educational institutions, our system of common schools. I want to see the hearts of the people of Texas so educated and trained that all of its citizenship can live up to the injunction of the Golden Rule, "Do unto others as you would have them do unto you." If the members of the Legislature and the citizenship of Texas will meet me half way upon this great and grand principle, we will not only have a season of legislative rest, but we will have an era of political peace, prosperity and development in this State that we have never had before.

Again pledging myself and every effort and all of the authority vested in the Governor of the State to enforce and uphold the law in accordance with the Constitution and be-

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seeking the co-operation of the Legislature in this laudable undertaking, I desire now again to thank the people of Texas for the honor they have done me and I want to say to the retiring Chief Executive that I wish nothing for him but peace, happiness and prosperity.

OATH OF OFFICE ADMINISTERED TO LIEUTENANT GOVERNOR.

Chief Justice Brown then administered the oath of office to Hon. A. B. Davidson, Lieutenant Governor-elect, in the same manner as to the Governor-elect.

Lieutenant Governor Davidson then affixed his signature to the official oath, Chief Justice Brown attesting the same with the Great Seal of the Commonwealth of Texas.

Hon. Claude Hudspeth, President Pro Tem. of the Senate, then presented Lieutenant Governor Davidson who addressed the Joint Session and the assemblage.

Speaker Rayburn, at 12:30 o'clock p. m., announced that the work of the Joint Session was completed.

IN THE SENATE.

At the conclusion of the joint session the Senate returned to the Senate Chamber, President Pro Tem. Hudspeth presiding.

ADJOURNMENT.

On motion of Senator Perkins the Senate, at 12:45 o'clock p. m., adjourned until 10 o'clock Thursday morning, January 19.

FIFTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, Jan. 19, 1911.

Senate met pursuant to adjournment, President Pro Tem. Hudspeth presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.
Astin.
Bryan.
Carter.
Cofer.
Collins.

Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.

Library and Historical
Commission
Austin, Texas

McNealus.	Terrell, Wise.
Menchum.	Townsend.
Murray.	Vaughan.
Paulus.	Ward.
Peeler.	Warren.
Perkins.	Watson.
Ratliff.	Weinert.
Sturgeon.	Willacy.
Terrell McLennan.	

Absent.

Greer. Real.

Prayer by the Chaplain.

Pending the reading of the Journal of Tuesday, the same was dispensed with, on motion of Senator Terrell of McLennan.

MORNING CALL.

The Chair called the regular morning call (See appendix for petitions and memorials and Standing Committee reports).

EXCUSED.

On account of important business: Senator Greer for Tuesday and the balance of this week on motion of Senator Ratliff.

BILLS AND RESOLUTIONS.

By Senator Astin:

Senate Concurrent Resolution No. 2. Whereas, The flag that was purchased by the State of Texas and used in wrapping the casket in which the remains of Stephen F. Austin were brought from Brazoria County to Austin for burial, is now in the possession of Mr. W. C. Day, Superintendent of Public Buildings and Grounds, and

Whereas, The Daughters of the Republic of Texas desire to obtain and keep this flag as a memoir of that great and illustrious man, Stephen F. Austin,

Therefore, Be it resolved by the Senate, the House of Representatives concurring. That the State of Texas do grant and give to the Daughters of the Republic of Texas the said flag, to be kept and preserved by them as a sacred relic.

Read first time and referred to Committee on State Affairs.

By Senator Cofer:

Senate Concurrent Resolution No. 3. Providing for the publication of the Legislative Manuals.

Read first time and referred to Committee on Public Printing.

By Senator Townsend:

Senate Concurrent Resolution No. 4. Be it resolved by the Senate of the State of Texas, the House of Representatives concurring: That the following application to the Congress of the United States of America, applying to Congress to provide for the calling of a convention to propose an amendment to Section 3, of Article 1, of the Constitution of the United States, so that the United States Senators from each State shall be elected by the direct vote of the qualified electors in each State, be and the same is hereby adopted.

Read first time and referred to Committee on Federal Relations.

By Senator Hudspeth:

Senate Concurrent Resolution No. 5. Providing for the creation of a commission to investigate and report to the Legislature of this State during its present session a bill to fairly compensate employes for injuries received in the course of employment, and defining the duties of said commission, making an appropriation to carry same into effect, and declaring an emergency.

Read first time and referred to Committee on Labor.

By Senator Paulus:

Senate Joint Resolution No. 3. To amend Section 1, Article 8, of the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Terrell of McLennan:

Senate Joint Resolution No. 4. To amend Section 1, of Article 8, of the Constitution of the State of Texas: Providing that by majority vote, counties and cities may exempt factories from local taxation for a period of fifteen years.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Willacy:

Senate bill No. 7. A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; providing for the management and control of such prison system; providing for the control, management

and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners shall be permitted to testify as qualified witnesses in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the conduct and government of such prison system; providing for a board of prison commissioners, and providing for their appointment and for the powers, duties and authority of said board; providing for the terms of service of the members of said board; providing that title to all real estate and other property owned by the prison system shall vest in said prison system; providing for the appointment of an auditor for said prison system and prescribing his duties; prescribing penalties for the violations of this act; declaring the wealth earned by the prison system, over and above the cost of operation and maintenance, to be the rightful property of the wives and children of said prisoners, if there be such wives and children, with certain exceptions, or, under certain circumstances, of the prisoners themselves; providing for the classification of all prisoners in units of labor value; defining the word children for the purposes of this Act; providing for the appointment of a guardian for the children of such prisoners where no guardian has been appointed; declaring that State prisoners are wealth-earning units held in trust by the State for the benefit of himself, or herself, or of his or her dependents; providing for the apportionment of the net proceeds of the prison system among the prisoners according to the value of the service performed and for the disposition of said apportionment; providing for a prisoners' labor fund and for the disposition of said fund; providing for a good conduct fund to be appropriated out of the general revenue of the State and the disposition of same, and making an appropriation therefor; providing for computation of time for good conduct; repealing chapters Nos. 1, 2, 3, 4, 5, 6, 7 and 8 of Title No. 79 of the Revised Statutes of 1895, and of Chapter No. 10 of the Acts of the Fourth Called Session of the Thirty-first Legislature; repealing all laws and parts of laws in conflict with this Act and declaring an emergency"

Read first time and referred to Committee on State Penitentiaries.

By Senator Perkins:

Senate bill No. 8, A bill to be entitled "An Act to require any person, firm or corporation engaged in the business of transmitting for hire, messages or dispatches by telegraph between points within the State of Texas; and any person, firm or corporation engaged in the business of operating for hire a system of telephones between points within the State of Texas, and any person, firm or corporation which may hereafter engage in the business of operating for hire a system of telegraph or telephone, whether with or without wires, to furnish to the recipient of each message or dispatch, in writing on the copy thereof delivered to such recipient the word 'Filed,' and the hour and minute such message or dispatch was received for transmission; and to furnish to the recipients of long-distance telephone calls a statement, when such recipients are first notified of such calls, of the hour and minute such person, firm or corporation was first requested, notified or ordered to provide the means for conversation by long-distance telephones; and providing penalties for violations of the terms and provisions contained in the body of the Act by any of the persons, firms or corporations who are affected by or who may hereafter become subject to its terms and provisions."

Read first time and referred to Committee on Internal Improvements.

By Senator Mayfield:

Senate bill No. 9, A bill to be entitled "An Act to provide for the establishment and maintenance of five district schools for the education of white students in the Agricultural, Mechanical and Domestic Arts and Sciences, to be located in the five districts as provided for in this Act, and to make an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Johnson:

Senate bill No. 10, A bill to be entitled "An Act to create the Seventh

Supreme Judicial District of the State of Texas, to provide for the appointment of the Judges thereof, for the transfer of certain cases on appeal or writ of error thereto, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Sturgeon:

Senate bill No. 11, A bill to be entitled "An Act to provide for completing the work of revising, digesting, annotating, indexing, printing and publishing the civil and criminal laws of the State of Texas, making an appropriation, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Weinert:

Senate bill No. 12, A bill to be entitled "An Act to provide for the suspension of sentence in certain cases of conviction of felony, for first offenses, upon recommendation of the jury, and for the submission of the issue to the jury by the court; to provide the duration of suspension of sentence, and for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony, and for cumulating punishment in such cases, and providing for an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Cofer:

Senate bill No. 13, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Terrell of Wise:

Senate bill No. 14, A bill to be entitled "An Act to prohibit any person, association of persons, corporation or receiver, owning, operating or managing any mine in this State, from feeding or permitting to be fed any work animal in said mines, or

to store or keep any feed for such animal in said mines; providing that no work animal shall be permitted to remain in any mine longer than ten consecutive hours; fixing penalties for the violation of this Act, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senators McNealus, Cofer and Mayfield:

Senate bill No. 15, A bill to be entitled "An Act to regulate the employment of children in mills, factories, workshops, mercantile, mechanical or manufacturing establishments, stores, business offices, telegraph offices, restaurants, hotels, apartment houses, mines, quarries, distilleries, breweries and any establishment using machinery, and in the distribution or transmission of merchandise or messages, and to provide penalties for the violating of the same."

Read first time and referred to Committee on Labor.

By Senator Vaughan:

Senate bill No. 16, A bill to be entitled "An Act to provide for the submission of specific issues of fact by the court to the jury on the trial of civil suits, upon motion in writing by any party to such suit whenever the trial court shall be of the opinion that the jury should be instructed to render a verdict for or against any party or to any particular effect; and providing that a finding of the jury upon any such issue of fact shall be binding upon the trial court and upon other courts to which appeal or writ of error may be prosecuted, unless there be no evidence to support such finding."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Bryan:

Senate bill No. 17, A bill to be entitled "An Act to create a more efficient road system for Nolan county, Texas, and making county commissioners ex officio road commissioners of their respective precincts, and prescribing their powers and duties as such, and providing for the compensation of such road commissioners, and providing for the purchase of material for the construction and maintenance of roads and bridges, and providing for the compensation

for such material, and prescribing certain duties for road overseers; providing a compensation of \$2.00 per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurers; providing that any person liable for road duty any year shall be exempt upon the payment of \$3.00 into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the general laws, and fixing penalties and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

Senate bill No. 18, A bill to be entitled "An Act creating a State School of Mines and Metallurgy, for the purpose of teaching the scientific knowledge of mining and metallurgy in the State of Texas, to the end that the mineral wealth, oil, etc., may be developed upon the State school lands of this State, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Carter:

Senate bill No. 19, A bill to be entitled "An Act to incorporate the City of Longview and to grant it a charter; to define its powers and to prescribe its duties and liabilities, and to declare an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Johnson, Perkins and Hudspeth:

Senate bill No. 20, A bill to be entitled "An Act to provide for the creation, establishment, and maintenance of a special University Fund; providing that a certain part of the ad valorem tax rate shall be levied, assessed and collected for said purpose; providing that said tax when collected shall be credited on the books of the State Treasurer to said 'Special University Fund'; providing for the estimates for the said fund and for reports as to collections thereof; providing and declaring the purpose of such fund and for the expenditure thereof, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Collins:

Senate bill No. 21, A bill to be entitled "An Act to regulate the running of street cars; to provide for good, comfortable vestibules for the protection of the motorman; to provide for running a closed car at certain times of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; to make the violation of the provisions of this act an offense, and to fix a penalty therefor, and to repeal all laws in conflict herewith."

Read first time and referred to Committee on Internal Improvements.

By Senator Warren:

Senate bill No. 22, A bill to be entitled "An Act in regard to appellate procedure in civil and criminal cases, prescribing the circumstances under which a judgment appealed from may be reversed, set aside or a new trial granted by the appellate courts of this State; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senators Townsend and Bryan:

Senate bill No. 23, A bill to be entitled "An Act to provide for the location and establishment at the East Texas Penitentiary at Rusk, Cherokee county, Texas, by the Board of Prison Commissioners of the State Penitentiary, of a factory for the manufacture of cotton bagging, cotton sacks, cotton duck, cotton rope, cotton twine, and other cotton goods, for the employment of managing experts and of certain convicts in the operation of said factory, to make an appropriation therefor, and the repealing of all laws or parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on State Penitentiaries.

By Senator Vaughan:

Senate bill No. 24, A bill to be entitled "An Act to grant a new charter to the city of Texarkana, Bowie county, Texas; repealing all laws or

parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Cofer.

Senate bill No. 25, A bill to be entitled "An Act to amend Chapter 170 of the Acts of the Thirty-first Legislature, page 293, approved April 17, 1909, and amending Section 9, page 296, to said Act, so as to require the applicants for a retail liquor dealer's license or malt liquor dealer's license to make application on oath to Comptroller of Public Accounts of this State, embracing in said application and statement that the applicant or applicants have not contributed any money or other valuable thing, directly or indirectly, to any campaign fund in any election; and to amend Section 15, page 304, of said Acts, so as to prescribe the condition of the bond to be given in order to sell spirituous, vinous or malt liquors or medicated bitters, prescribing conditions of said bonds, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

By Senator Watson:

Senate bill No. 26, A bill to be entitled "An Act to provide additional compensation to all judges of the district courts, district attorneys of the State of Texas, and to the judge of the Criminal District Court of Harris and Galveston counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Collins:

Senate bill No. 27, A bill to be entitled "An Act to protect material-men, artisans, mechanics and laborers for material furnished, or labor performed on any buildings, improvements, fixtures or articles on which they have furnished any material or performed any labor, and requiring any owner or original contractor on such buildings, improvements, fixtures or articles whatsoever, to see that all material furnished and labor performed on any such buildings,

improvements, fixtures or articles have been fully paid for at a just and reasonable valuation, before such contractor shall receive his pay for performing any services under the terms of his contract, and giving a first lien to material-men, artisans, mechanics and laborers, against such buildings, improvements, fixtures or articles for which they have furnished material, or upon which they have performed labor, and fixing the time and prescribing the method of filing liens, and repealing all laws in conflict herewith."

Read first time and referred to Committee on Labor.

By Senator Mayfield:

Senate bill No. 28, A bill to be entitled "An Act to require the rendition for taxation, and the payment of taxes upon notes, bonds and bills by the owners thereof, and to prohibit any contract requiring the maker or payor of any such obligation to pay the taxes thereon, and providing a penalty therefor; and to prohibit the rendition of any judgment upon any obligation when it is alleged and proven that the tax thereon has not been paid; and to provide for enjoining any sale of property under a deed of trust or mortgage, or the setting aside of any such sale, if not enjoined, when the contract provides that the maker shall pay the tax thereon, or when the tax has not been paid on such obligation; and to provide that notes and obligations secured by liens upon real estate shall, for the purposes of taxation, be treated as a part of the real estate, and that if the owner of such obligation fails to pay the tax thereon that the person in whose name the title of the land is vested shall pay such tax and the amount of taxes paid for the owner of the obligation by the owner of the land shall be credited on the debt as of date of the payment; and to repeal all laws and parts of laws in conflict with the provisions of this Act."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Johnson:

Senate bill No. 29, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1909, and

which have failed, or are about to fail, to construct their roads and branches or any part thereof within the time required by law, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senators Ward and Vaughan:

Senate bill No. 30, A bill to be entitled "An Act authorizing the courts of the State of Texas to disregard errors not affecting the substantial rights of the party or parties seeking to reverse and set aside the judgment in civil and criminal cases, or to secure the new trial, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Bryan and Hudspeth:

Senate bill No. 31, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed, or are about to fail to construct their roads and branches or any part thereof, within the time required by law, with emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Watson:

Senate bill No. 32, A bill to be entitled "An Act to amend Article 1878, Chapter 3, Title thirty-nine (39) of the Revised Statutes of 1895 of the State of Texas; providing for taking of depositions and rules of evidence in proceedings in probating written wills of deceased persons; and providing for the manner of service of applications and notice thereof, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 33, A bill to be entitled "An Act to provide for prospecting for mineral on land owned by the State of Texas, or the public free school fund and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral bearing land including the mineral and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this Act, and repealing Chapter LXXI, Revised Civil Statutes of 1895, and Chapter 99, passed

at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Vaughan:

Senate bill No. 34, A bill to be entitled "An Act to regulate practice in the District Courts and require parties to actions in such courts to verify their pleadings by their affidavits."

Read first time and referred to Judiciary Committee No. 1.

By Senator Collins:

Senate bill No. 35, A bill to be entitled "An Act to require the attendance of all boys and girls between the ages of seven years and seventeen, upon the public schools, or some private school, for at least eighty days each school year, requiring parents or guardians to make monthly reports to the teachers, showing the cause of the absence of their children or wards, and making it a misdemeanor for any parent or guardian to fail to require their children of the lawful age to attend school the required time, if not hindered by some cause unavoidable to such parent or guardian, making it a misdemeanor for parent or guardian to fail to report the cause of absence of such children, when it occurs, and repealing all laws in conflict herewith."

Read first time and referred to Committee on Educational Affairs.

By Senator Sturgeon:

Senate bill No. 36, A bill to be entitled "An Act to amend Section 24, of Article 642, Title 21, Chapter 2, of the Revised Statutes of the State of Texas, providing for the creation of corporations for the purchase and sale of goods, wares, merchandise and agricultural and farm products, so that said section shall also include creation of such corporations for the purpose of gathering and preparing such products for the market, and the purchase, sale and disposal of machinery, appliances and tools of use in connection therewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Terrell of Wise:

Senate bill No. 37, A bill to be entitled "An Act to require the owners and operators of mines in Texas to insulate or protect live electric wires so that persons and animals coming in contact with same shall not be injured,

to provide a penalty for such neglect, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Johnson:

Senate bill No. 38, A bill to be entitled "An Act to amend Chapter 74 of the acts of the Twenty-ninth Legislature, being an Act to amend Article 899 of the Penal Code of the State of Texas of 1895, so as to require butchers of Karnes county, Texas, to give bond as required by law; so as to exempt Archer county from the operation of the law requiring butchers to give bond and to have hides inspected, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Bryan:

Senate bill No. 39, A bill to be entitled "An Act to establish the Abilene State Normal College; providing that the State Board of Education shall control the same; providing for a local board resident in Abilene or Taylor county, Texas; fixing the time for the opening of said normal college; making an appropriation for the establishment of said college; making an appropriation to pay the salary of the president of said normal college for the year ending August 31, 1912, and to pay the salaries of the President and others employed in or by said college during the year beginning September 1, 1912; providing for the manner in which students shall be appointed to said normal college; providing for a meeting of the State Board of Education for the purpose of establishing departments in said normal college."

Read first time and referred to Committee on Educational Affairs.

By Senator Hudspeth:

Senate bill No. 40, A bill to be entitled "An Act to amend Chapter IV, Acts of the Twenty-eighth Legislature, First Called Session, entitled 'An Act to amend Article 877, Chapter 2, Title 25, Revised Statutes of the State of Texas of 1895, authorizing the commissioners' court of the counties of this State to issue bonds for the purpose of improving and maintaining the public roads in their respective counties,' so that said Article 877 shall authorize and empower the commissioners' court of any county in this State to issue bonds for the establishment of county poor houses and farms, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators Vaughan and Collins:

Senate bill No. 41, A bill to be entitled "An Act to regulate the payment of wages to employes in certain employments within the State of Texas."

Read first time and referred to Committee on Labor.

By Senator Vaughan:

Senate bill No. 42, A bill to be entitled "An Act to authorize the judges of the district courts to exercise in vacation all powers, make all orders and perform all Acts as in term time, except to enter final judgment, and regulate such proceedings."

Read first time and referred to Judiciary Committee No. 1.

By Senator Meachum, by request:

Senate bill No. 43, A bill to be entitled "An Act to amend Section 10, of Chapter 23 of the General Laws of the First Called Session of the Thirtieth Legislature so as to extend the time within which and prescribe conditions upon which domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived by extending until the first day of September, A. D. 1911, the time during which such corporations embraced within the terms of said Act may pay to the Secretary of State franchise taxes and penalties referred to in said Act, and have their rights to do business revived, and providing for forfeiture of the charters of such domestic corporations as may fail to do so, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Johnson:

Senate bill No. 44, A bill to be entitled "An Act to provide for the filing in the General Land Office of chains of transfer of title to portions of the sold Public Free School Lands, University and Asylum Lands of this State, and the opening of accounts in the name of and patenting to the holders of such chains of transfer of such lands in cases where such transfers have been executed by the heirs, executors, administrators or survivors in community of deceased persons, or by the guardians of persons of unsound mind or minors, and in all cases where title has emanated through any regular court proceed-

ings of this State, and in cases where such transfer has been executed by trustees under deeds of trust, mortgagees under mortgages with power of sale or by sheriffs or other officers of court, acting under executions and orders of sale issued out of the courts of this State, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senators Hudspeth, Adams, Bryan, Collins and Weinert:

Senate bill No. 45, A bill to be entitled, "An Act for the protection of stock raisers, farmers, and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation therefor, to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Mayfield:

Senate bill No. 46, A bill to be entitled, "An Act providing that the owners, lessees, operators or receivers of all cotton gins in this State shall write or stamp with indelible ink upon each and every bale of cotton ginned the word 'tare' and the weight of the bagging and ties in which the cotton is wrapped written or stamped in indelible ink in plan figures, defining separate offences and providing penalties, declaring it unlawful for any person, firm, corporation, cotton exchange or board of trade to make greater deductions for tare either from the gross weight of any bale of cotton or the price of same than is shown by the figures written or stamped thereon, defining separate offences, providing penalties, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Kauffman:

Senate bill No. 47, A bill to be entitled, "An Act to amend Chapter 10, of Title 51 of the Revised Statutes by adding thereto a new article, to be numbered 2655a, authorizing the sale of property of the estate of wards for the purpose of investing or loaning the proceeds or for the purpose of changing an investment previously made."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Lattimore:

Senate bill No. 48, A bill to be entitled "An Act for the institution and maintenance by certain railroad companies and receivers of hospitals for the use and benefit of contributing railroad employes and providing for the management of such hospitals and for the selection of members of the boards of managers thereof and for the powers of such boards and for the free transportation of sick and injured employes to and from such hospitals and fixing penalties for violation and providing for the collection of such penalties."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Johnson:

Senate bill No. 49, A bill to be entitled "An Act to establish a State Free Employment Bureau to be conducted by a superintendent who shall be appointed by and under the direction of the Commissioner of Labor. Said superintendent must be familiar amongst the circles of labor, and understand the nature of different kinds of employment before being qualified to fill the position of superintendent; authorizing the said superintendent to employ a clerk or stenographer; and making an appropriation for the maintenance of same."

Read first time and referred to Committee on Labor.

By Senator Hudspeth:

Senate bill No. 50, A bill to be entitled "An Act to create a more efficient road system for El Paso County, Texas; making the county commissioners of said county ex officio road commissioners and prescribing their duties and compensation; providing for the working of persons subject to road duty upon public roads and city streets, and providing for the amount of time that shall be allowed for teams on road work, and providing for the payment of \$3 in lieu of road work; making delinquent poll tax payers subject to road duty; making it unlawful and providing penalties for injuring any road or anything placed thereon for its benefit, and for injuring trees growing on any public road, and for throwing nails, tacks, glass and like substances upon any public road, and for hauling over a public road a vehicle with wheels

that tear and injure the road, and for erecting fences or other encroachments upon a public road; and providing for the passage of vehicles on the road and fixing a penalty for failure to comply with such provisions; providing for the condemnation of land for road purposes and making it cumulative of the general law; and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Ratliff:

Senate bill No. 51, A bill to be entitled, "An Act to amend Article 1552 of the Revised Civil Statutes of the State of Texas, relating to the time of holding the regular term of commissioners courts, so as to authorize said courts to meet once each month, and providing for an emergency."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Bryan, by request:

Senate bill No. 52, A bill to be entitled, "An Act to amend Article 5232b, title 104, of the Revised Civil Statutes of the State of Texas of 1895, as amended by Section 2, Chapter 103 of the General Laws of the State of Texas, passed by the Twenty-fifth Legislature, relating to the collection of taxes heretofore and that may hereafter be levied; making such taxes a lien on the lands taxed; establishing and continuing such lien; and providing for the sale and conveyance of land delinquent for taxes since January 1, 1901, which may have been returned delinquent or reported sold to the State or to any county, city or town."

Read first time and referred to Committee on Judiciary No. 1.

By Senator Johnson, by request:

Senate bill No. 53, A bill to be entitled, "An Act regulating private employment agencies, requiring a license to be obtained from the State to conduct private employment agencies and requiring a bond to be approved by the Commissioner of Labor; making it a penalty for employment agencies to misrepresent any kind of employment to any person knowingly, applying for work, or to make any false entries on registers kept for persons applying for work or help, or upon any blackboard or instrument kept for posting up ads or advertisements; or to divide fees obtained from laborers with employ-

ers for the purpose of getting the employer to employ all his help through said employment agency; or to send female help to houses of ill fame and houses kept for immoral purposes; or to send any person to any kind of employment where said employment agency has no orders to send help; or any other violation of this Act; and making it a penalty for any employer, foreman, person or persons ordering any kind of help, male or female, to be sent within a certain specified time and not using them upon their arrival there, unless their expenses be paid in full for making the trip; and making it a fineable offense for employes or persons to swindle employment agencies out of their fees after obtaining information from said employment agent concerning the work for which he has orders to secure help; or for any employment agent, employer or employe to violate any provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Lattimore:

Senate bill No. 54, A bill to be entitled, "An Act to provide an additional method of obtaining service of process on any foreign or non-resident corporation or any receiver thereof, doing business in this State, or which has an agent or agents in this State, engaged in soliciting business for such corporation or receiver, or who are engaged in transacting in this State any of the business of such corporation; and also to provide an additional method of obtaining service of process on any non-resident railway corporation or any receiver thereof doing business in this State, which has or maintains in this State an agent or agents, or agency engaged in soliciting business for such corporation or receiver, or who transacts for such corporation or receiver in this State any part of its business or who sells tickets or makes contracts for the carriage of persons or property over the lines of such corporation, which contracts are recognized, acquiesced in and acted on by such corporation or receiver, or which permits its trains operated over its own lines by its crews to pass or run without any material change in such trains or crews across the State line of this State, on and over the line or lines of any other railway corporation operating a line of railway in

this State over which such trains and crews are permitted to run, whether such corporation be chartered under the laws of this State or of some other State, or of the United States."

Read first time and referred to Committee on Internal Improvements.

By Senator Lattimore:

Senate bill No. 55, A bill to be entitled "An Act prohibiting corporations and receivers thereof, and other persons, firms and associations of persons, engaged as a common carrier in the transportation of persons for hire, and the agents of any such railroad corporation, or receiver thereof, and of any other such person, firm or association of persons from charging, receiving or accepting compensation for such transportation on Sunday less than the amount charged by such railroad corporation, or receiver thereof, or such other person, firm or association of persons, for any such transportation on any other day; making any violation of this Act a misdemeanor, and prescribing punishment therefor, and prescribing venue of such offenses."

Read first time and referred to Committee on Internal Improvements.

By Senator Mayfield:

Senate bill No. 56, A bill to be entitled "An Act to prohibit the operation of street cars and interurban cars unless such cars are provided with screens or vestibules which will protect the motormen, gripmen or other operators of such cars from inclement weather, from the first day of November until the fifteenth day of March of each year; to provide penalties for violation of this Act; and fees and commissions for attorneys bringing suits; and to fix venue for such suits."

Read first time and referred to Committee on Labor.

By Senator Terrell of Wise:

Senate bill No. 57, A bill to be entitled "An Act to permit all those who have been convicted of a felony and have served their term in the penitentiary, or been pardoned or paroled, to testify in all civil cases, and providing that when they testify, the fact of their service in the penitentiary may be proven, and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Ward:

Senate bill No. 58, A bill to be entitled "An Act to amend Article 199, Chapter 2, Title VII, of the Penal Code of the State of Texas, and to insert in said Chapter 2, immediately following said Article 199, an article to be designated and known as Article 199a, providing that upon each conviction after the first for a violation of any of the provisions of said Article 199 as amended by this Act, the punishment shall be double that prescribed."

Read first time and referred to Judiciary Committee No. 2.

By Senators Hudspeth and Terrell of McLennan:

Senate bill No. 59, A bill to be entitled "An Act to require all convict made goods sold within the State of Texas to be labeled; to prescribe the size and form of labels to be used; to prevent the removal of labels until after goods are sold to consumer; to prescribe the duties of the Commissioner of Labor Statistics; to provide penalties for violation of this Act, and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Cofer:

Senate bill No. 60, A bill to be entitled "An Act to prohibit hunting on Sunday with a gun with intent to kill game, or shooting with a gun on Sunday for amusement, or fishing on Sunday in any of the public or private waters of the State of Texas, and fixing a penalty therefor, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Mayfield:

Senate bill No. 61, A bill to be entitled "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the regular session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, county and city depositories for State, county and city funds, as amended by Chapter 90, General Laws of the State of Texas, passed at the regular session of the Thirtieth Legislature and approved April 12, 1907, also relating to the same subject, so as to further define what banks or banking institutions may become State depositories, and providing for the advertising of bids

for the safe keeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Terrell of McLennan:

Senate bill No. 62, A bill to be entitled "An Act to provide for the removal of a married woman's disabilities of coverture and to declare her feme sole for mercantile and trading purposes."

Read first time and referred to Judiciary Committee No. 2.

By Senator Mayfield:

Senate bill No. 63, A bill to be entitled "An Act to amend an Act of the Legislature of the State of Texas entitled 'An Act defining what shall be a full crew on passenger trains run by railroad companies or receivers doing business in this State, what shall be a full crew on freight, gravel or construction trains run by such railroad companies or receivers, and what shall be a full crew on light engines run by such railroad companies or receivers; providing for certain cases to which the Act shall not apply; rendering it unlawful for any such railroad company or receiver to run any train or light engine, subject to this Act, without in each instance having a full crew required; imposing a penalty for each violation by any railroad company or receiver of any of the provisions of the Act; prescribing the venue of suits to recover penalties for violations of this Act and the officer by whom the suits shall be brought, and exempting all railroads less than twenty miles in length, and declaring an emergency,' the same being Chapter 100 of the Acts of the Thirty-first Legislature, approved March 20, 1909, so as to define more specifically than heretofore what shall constitute a full crew upon and the number and kind of employes that must be used in the operation of each of the several sort of trains run by railroad companies and receivers of such companies in this State and adding one to the number of such employes in certain cases, and extending the exemption from the provision of this Act to all railroads less than forty

miles in length, and including under this Act switch crews and the crews operating switch engines for such railroad companies and receivers."

Read first time and referred to Committee on Labor.

By Senator Astin:

Senate bill No. 64a, A bill to be entitled "An Act authorizing the city of Bryan to sell and convey certain public grounds within said city, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Terrell of Wise:

Senate bill No. 64, A bill to be entitled "An Act to amend Article 768, Chapter 7, Title 8 of the Code of Criminal Procedure, relating to the competency of witnesses in criminal cases providing that ex-convicts may testify, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Bryan:

Senate bill No. 66, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Gaines county, situated in the town of Seminole in Gaines county, heretofore made at private sale for and in behalf of said county by J. W. Miller in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioner as such, in consummating such sales, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Kauffman:

Senate bill No. 67, A bill to be entitled "An Act to amend Articles 2639 and 2640 of the Revised Statutes, which relate to investing and loaning money of wards."

Read first time and referred to Judiciary Committee No. 1.

(By unanimous consent and referred by Senator Ratliff, who was presiding.)

By Senator Terrell of Wise:

Senate Bill No. 68, A bill to be entitled "An Act to amend Section 129, Acts of the Twenty-ninth Legislature of Texas, relating to the scholastic age and to amend Sections 89, Chapter 124, of the Acts of the Twenty-ninth Legislature, relating to the scholastic census, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Weinert and Murray:

Senate bill No. 69, A bill to be entitled "An Act to repeal an act passed by the First Called Session of the Twenty-eighth Legislature, which convened on the 2nd day of April, 1903, and adjourned on the 1st day of May, 1903. Said act being known as House bill No. 13, and Chapter I of the Special Acts of the First Called Session of the Twenty-eighth Legislature."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Johnson:

Senate bill No. 70, A bill to be entitled "An Act to make it lawful for railway, express, railway news companies and telegraph companies to contract and enter into agreements with each other for the exchange of service, and for transportation of officers, agents and employes of such companies, requiring such contract or agreement to be filed with the Railroad Commission of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Astin:

Senate bill No. 71, A bill to be entitled "An Act regulating the sale of commercial fertilizers, prohibiting their adulteration or misbranding, providing for their correct weighing and marking, forbidding the use of certain materials, and providing for the collection and analysis of samples, statements of sales and shipments, the expenses of the enforcement of the law, fixing penalties for its violation, and repealing Chapter 48, Acts of 1899, and all other laws in conflict with this act."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Collins:

Senate Bill No. 72, A bill to be entitled "An Act to increase the liability of all employers of laborers, defining "employer" and "employee," perpetuating a cause of action in favor of heirs or legal representatives of an employee, whose injuries result in death, declaring void all contracts and agreements made by any employee, releasing employers from damages before a right of action accrues in favor of such employee, and providing in the alternative for the above, a general system of accident insurance of employees by their employers, abolishing any cause of action against employers where they have complied with said requirements, as to insuring their employees, establishing the extent of liability of the insurance of employers as to certain designated injuries, and providing for adjustment by arbitration between the insurer and insured of all claims for damages for personal injuries by an employee against the insurer where the same is not fixed by law, and where the injured party and the insurer can not agree, making certain requirements of any individual, co-partnership or corporation, desiring to become an insurer under the terms of this act; requiring all employers to report accidents occurring to their employees when same is known, and making it a misdemeanor to fail to do so within ninety days from the time of such accident, and providing a penalty therefor, fixing the distribution of the proceeds of insurance carried on any employee where he receives injuries resulting in death, and providing for the deposit of the proceeds of such insurance in the county treasury in the county when same is not claimed by the beneficiaries under this law; providing how such claim shall be established after it is deposited in said treasury, and publication thereof is made, making it the duty of the county attorney to represent the county against any claim that may be filed; providing for the trial of the issues and appeal from such trial, and providing for compensation of the county attorney for representing the county in such cases."

Read first time and referred to Committee on Internal Improvements.

By Senator Sturgeon:

Senate bill No. 73. A bill to be entitled "An Act to require every newspaper corporation incorporated under the laws of Texas to file with the Secretary of State of the State of Texas quarterly a sworn report showing the names of stockholders, the amount of stock owned, all transfers of stock, how and for whom held, and all debts for which the same is pledged or mortgaged, the amount due and to whom due, all money borrowed, if any, with which to purchase said stock; the name or names of the person, persons or corporation from which such sum or sums of money are borrowed, and when the same is due; together with affidavits showing how and for whom stock is held, and all debts for which the same is pledged or mortgaged, the amount due and to whom due, all money borrowed, if any, with which to purchase said stock, the name or names of the person, persons or corporation from which such sum or sums of money are borrowed and when the same is due; for publication of said reports, providing penalties, conferring venue and jurisdiction, and declaring an emergency."

Read first time and referred to Committee on Judiciary No. 2.

(By unanimous consent and referred by Senator Meachum, who was presiding.)

By Senator Hudspeth:

Senate bill No. 74. A bill to be entitled "An Act to provide for the eradication of sheep scab within the State; prohibiting the importation of scab infested sheep; providing for a State inspector and county inspectors of sheep; defining their duties; repealing Title 111, of the Revised Statutes of Texas, and all laws and parts of laws in conflict herewith; making an appropriation to carry this act into effect; prescribing penalties, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Hudspeth:

Senate bill No. 75. A bill to be entitled "An Act to define and regulate the practice of Optometry; to create a Board of Examiners for the examining and licensing of optometrists,

and to issue the certificates as provided; to prescribe the qualifications of applicants for license in optometry; to provide for the registration of optometrists, and to provide for the revocation of their license, and to require them to display license or certificate, and to deliver to each customer a bill of purchase or sale, and specification of the lenses furnished and the price charged for same when lenses are adapted or adjusted away and outside of the principal office of such optometrist; exempting physicians duly licensed and registered under the laws of the State of Texas from the operation of this act; to fix suitable penalties for the violation of this act, and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Public Health.

By Senator Collins:

Senate bill No. 76. A bill to be entitled "An Act to prohibit any corporation, individual, partnership, contractor, superintendent, engineer, or other person having supervision of any work being done by or for the State of Texas, or any subdivision thereof, or any municipality therein, from requiring or permitting any person engaged in such work to remain on duty more than eight hours in any consecutive twenty-four hours, except in certain cases of emergency, and excepting further those engaged in performance of any official duty, and providing a penalty for the violation of the law, and authorizing the county or district attorney of the county in which the work is being done, or the Attorney General of the State of Texas to bring suit for penalties in the county where it is being done."

Read first time and referred to Judiciary Committee No. 2.

By Senator Weinert by request:

Senate bill No. 77. A bill to be entitled "An Act granting to the city of New Braunfels, in addition to the powers now conferred by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system and any other public utilities, together

with the necessary plant or plants and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits and one mile beyond said limits water, electricity and power for any and all purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions in, at, on, over and across the Guadalupe River at any point or points between the point where the Comal and the Guadalupe County line crosses the Guadalupe River, and up said river to a point twelve miles from said county line; granting to the city of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights of every character of the State of Texas, in, to and adjacent to said Guadalupe River between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the city of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe River and its tributaries between the points above mentioned, and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe River between the points above mentioned, and to back the water in said Guadalupe River and its tributaries between the points above mentioned to any height, but not in the Comal River above the north line of San Antonio street; granting to and conferring upon the city of New Braunfels in addition to the power of condemnation and of eminent domain by the General Laws now in force or which may hereafter be enacted, the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, waters, springs, rivers, dams, constructions, rights, franchises, material and any other property which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water

works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions; providing that the laws which are now in force or may hereafter be enacted, prescribing the rights of and procedure by railroad corporations and companies in condemnation therefor, shall apply to and govern the city of New Braunfels in condemnation proceedings in acquiring lands, waters, springs, dams, constructions, rights, franchises, material and any other property, and making compensation therefor under the power herein granted said city, and declaring an emergency."

Read first time and Referred to Committee on Towns and City Corporations.

By Senator Warren:

Senate bill No. 78, A bill to be entitled "An Act to amend Sections 2, 6 and 7 of Chapter XCVI of the General Laws of the State of Texas, passed by the Thirtieth Legislature (1907) at its regular session, entitled 'An Act to regulate the running of automobiles and motor vehicles, and the requiring of the owner of such machine to register his name and the number of his machine with the county clerk of the county in which he resides, for the violation of which a penalty is provided,' and to fix a maximum speed limit on circular or elliptical race tracks, courses or speedways, providing a punishment for violation, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

SIMPLE RESOLUTION

By Senator Perkins:

We move that Miss Jennie Daugherty be elected to assist the Notarial Clerk, and as general stenographer for the regular session of the Thirty-second Senate, and that she be paid the same salary paid the other stenographers.

Terrell of McLennan, Adams, Astin, Peeler, Carter, Ward, Collins, Terrell of Wise, Johnson, Ratliff, Perkins, Vaughan, Lattimore, Welbert, Paulus, Meachum, Hudspeth, Kauffman, Watson, Warren, Sturgeon, Murray, Hume.

The above resolution was taken up at once by unanimous consent.

Senator Cofer offered the following amendment:

Amend by adding, provided her salary shall be paid from and after Saturday, January 14, 1911, inclusive.

The amendment was adopted.

The resolution having been read, was adopted.

REASONS FOR VOTING.

I vote "no" as to the employment of additional stenographers for the Senate, as I believe as many now are employed as are needed to do the work of the Senate.

TOWNSEND.

SIMPLE RESOLUTION.

By Senator Watson:

Be it Resolved by the Senate, That, owing to failure of Miss Effie Gamel, appointee of Senator Hudspeth, to accept the position as stenographer in the Senate, warrant be issued to Miss Irene Dyches from the beginning of this session; and, further, that said Miss Irene Dyches, of San Angelo, Texas, who has been substituted by the Senator from El Paso, and who is in fact his appointee, be appointed as stenographer in this Senate and placed upon the pay rolls.

The resolution was, by unanimous consent, taken up at once and was adopted.

SIMPLE RESOLUTION.

Senator Cofer offered the following simple resolution, which was read and laid on the table pending the finishing of the morning call.

Resolved, That the vote of the Senate by which the rules of the Senate of the Thirty-first Legislature were adopted as the temporary rules of the present Senate be rescinded, and on this resolution I move the previous question.

COFER.

SIMPLE RESOLUTION.

By Senator Carter:

Whereas, Hon. Chas. L. Brachfield of Rusk County and Hon. J. M. Terrell of Bowie County, formerly dis-

tinguished members of this body, are now in the city, and

Whereas, Senators Brachfield and Terrell were long our esteemed associates and contributed many years of faithful and efficient service to the people of Texas while members of the Senate; therefore, be it

Resolved, That they be invited to address the Senate at 11:45 o'clock today, and that the Chair appoint a committee to escort them to the President's stand, and that they be given the privilege of the floor.

CARTER,
MEACHUM,
PERKINS,
VAUGHAN,
HUME,
MAYFIELD.

Senator Kauffman offered the following amendment, which was adopted:

Amend by adding name of Hon. T. W. Masterson.

Senator Weinert offered the following amendment, which was adopted:

Amend by adding the name of J. W. Veal.

LATTIMORE,
WEINERT,
HUME.

Senator Warren offered the following amendment, which was read and adopted:

I move to amend by adding the name of Senator W. R. Holsey.

The resolution was then adopted as amended.

Morning call concluded.

SIMPLE RESOLUTION.

Action recurred on the regular order and Senator Cofer called for the simple resolution introduced by him today, and the same was laid before the Senate.

The resolution is as follows:

A simple resolution, Resolved, that the vote of the Senate by which the rules of the Senate of the Thirty-first Legislature were adopted as the temporary rules of the present Senate be rescinded. And on this resolution I move the previous question.

Senator Meachum made the following point of order:

Mr. President:

In order that the Senate may not establish the dangerous precedent of hastily suspending its rules without timely notice thereof, I raise the point of order upon the motion of the Senator from Cooke, that the Senate by unanimous vote has heretofore adopted a motion providing that the standing rules of the Thirty-first Senate shall be the rules of this body until the Committee on Rules is appointed and make their report, and that report acted upon, and that, therefore, the standing rules of the Thirty-first Senate are now the rules of this body; that Rule 63 of the standing rules provides:

"No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor."

That the motion of the Senator from Cooke, if carried, suspends the rules of this body, and that it can not be considered without one day's notice being given therefor, and that the resolution having been just introduced must lie over one day before it can be considered, and not having laid over one day it can not now be considered.

I make the further point of order, that the Senate having adopted the rules of the Thirty-first Senate, his motion is in conflict with Rule 51 of said Senate rules, which is as follows:

"After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof."

That the Senate has some several days ago adopted by unanimous vote the rules of this Senate until the Committee upon Rules makes its report, and that report acted upon, and that the Senator from Cooke, although voting with the prevailing side for the motion which adopted these rules which the motion made by the Senator from Cooke now seeks to suspend, he gave no notice of his intention to reconsider the motion adopting the present rules, either upon the day when they were adopted or the succeeding day, and that his

motion does not now come in time, but is too late and out of order.

I make the further point upon the motion of the Senator from Cooke, that his motion is not in due form, in that he makes two motions in one, to wit: the motion to change or suspend the vote by which the rules were adopted, and a motion for the previous question upon such motion, and that a Senator can not make two motions at the same time, as is undertaken by the Senator from Cooke.

PRIVILEGES OF THE FLOOR.

At 11:45 o'clock the Chair announced that the hour had arrived for the Senate to receive certain ex-members of the Senate who had previously been, by resolution, invited to address the Senate. The Chair appointed Senators Carter, Warren and Meachum to escort ex-Senators Brachfield, Terrell of Bowie, Veale and Imboden to the President's stand.

Each of the gentlemen named were introduced to the Senate by President Pro Tem. Hudspeth, and addressed the Senate.

PENDING BUSINESS.

Action recurred on the pending business, the question being on the point of order by Senator Meachum to the resolution by Senator Cofer.

RECESS.

At 1:15 o'clock p. m. the Senate, on motion of Senator Sturgeon, recessed until 3 o'clock p. m.

AFTER RECESS.

The Senate was called to order by Pres. Pro Tem. Hudspeth.

VISITING EX-MEMBERS.

Senator Adams moved that the Senate, by unanimous consent, invite ex-Senator Pressler and ex-Senator Holsey and Judge M. M. Brooks to address the Senate.

The motion was unanimously adopted, and the Chair appointed Senators Adams and Cofer to escort the invited gentlemen to the President's stand.

All three of the gentlemen addressed the Senate.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas,
January 19, 1911.

Hon. A. B. Davidson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following:

House Concurrent Resolution No.
9, requesting the Attorney General
to make investigation relative to the
existence of an electrical trust or
combination in Texas.

House Concurrent Resolution No.
10, inviting United States Senator
Culberson to address a Joint Session
of the Legislature.

House Concurrent Resolution No.
11, with amendment, requesting
Congress to submit an amendment to
the Constitution of the United States
providing for the election of United
States Senators by a direct vote of
the people.

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of
Representatives.

HOUSE CONCURRENT RESOLUTION
REFERRED.

The Chair (President Pro Tem.
Hudspeth) had read and referred,
after their captions had been read,
the following resolutions:

House Concurrent Resolution No.
9, referred to Committee on Internal
Improvements.

House Concurrent Resolution No.
10, referred to Committee on State
Affairs.

House Concurrent Resolution No.
11, referred to Committee on Consti-
tutional Amendments.

MESSAGE FROM THE GOVERNOR.

The Chair here laid before the
Senate, and had read, the following
message from His Excellency, the
Governor, the message having been
presented to the Senate during the
morning session:

Governor's Office,

Austin, Texas, Jan. 18, 1911.

To the Senate and House of Repre-
sentatives:

Article 4, Section 9, of our State
Constitution, says that the Governor
shall, at the commencement of each

session, give to the Legislature in-
formation, by message, of the condi-
tion of the State, and recommend
such measures as may be deemed ex-
pedient. In obedience to this re-
quirement I submit the following:

PLATFORM DEMANDS.

The last Democratic platform
makes few demands for specific leg-
islation. The central thought in
that excellent document is legislative
rest; the development and prosperity
of Texas; harmony and political
peace between and among our people;
the general encouragement of agri-
culture; encouragement of the devel-
opment of the mineral wealth of the
State by suitable laws, and the per-
fection of our educational system up
to the full needs of our people; ade-
quate provision for the support of the
University and Agricultural and Me-
chanical College, and their divorce-
ment and separation, in law as well
as in management. Certainly no
platform could declare for a higher
set of principles and purposes than
those just enumerated. The legisla-
tive rest and the political peace for
which the platform declares will be
an incentive that will lead to re-
doubled efforts on the part of all our
citizens who are striving to develop
themselves and the wonderfully rich
natural resources of our State. My
sincerest wish and highest hope is
that these declarations may be lived
up to by the members of our party,
and if strife must come and bitterness
of spirit prevail, let it be on the
hustings, and not in the management
of the affairs of government.

LEGISLATIVE REST.

I do not believe there is a public
demand for any general new legisla-
tion. On the contrary, after a stren-
uous political canvass, lasting several
months, the public expression was an
unequivocal demand for legislative
rest. The platform of the Democratic
party, adopted after the general pri-
mary election by the convention held
last August, while the Thirty-first
Legislature was in special session, de-
manded, in no uncertain tones, that
the people of Texas be given a legisla-
tive rest. It was contended then by
some whom the party had put in au-
thority that the Galveston platform
was not binding upon them, that they
received their instructions from the
convention held in August, 1908, in

San Antonio; but those who entertained it certainly will concede that the platform demand for legislative rest should be heeded by the Thirty-second Legislature. "We believe," says the ninth plank, "that the general welfare demands that the people shall not be annoyed by constant political agitation, and they should be relieved therefrom in order that they may, undisturbed, pursue their usual avocations to the end that they may be contented and prosperous, and we promise an intelligent and strict enforcement of the law by lawful means and the enactment of such additional laws only as are absolutely necessary to protect the public and the rights and liberties of the people." I most cordially approve this platform expression and shall cheerfully observe its recommendations in so far as they apply to the Governor. I hope to have the cordial co-operation and approval of the Legislature.

Our laws regulating and defining the rights of corporations are very strong and efficient, and I do not believe we need or that the people demand further restrictive legislation along this line at this time, but there is a very urgent demand that the people be given time to adjust themselves to the laws we already have and rest from the passage of new ones and the consequent agitation and uncertainty that precedes and follows their enactment.

SUBMISSION OF PROHIBITION AMENDMENT.

I believe sincerely in representative government. When we depart from this principle we will, in my opinion, soon be dashed upon dangerous breakers and our government will become submerged by a wave of socialism. The right of a people composing a district, entitled to a representative or a Senator in the Legislature, to direct their representative in legislation affecting them and their rights, is inherent. I believe in the observance of party law rightfully exercised as strongly as I do in the enforcement of constitutional enactments by the Legislature, but party dictum should never supplant the right of local self-government, or deny to the people of any legislative district the independent right to petition the Legislature for redress of wrongs they may be suffering, or the right of independent representation

and a distinct voice in legislation. To deny this independent right of a people to control, direct or instruct their legislator is to deny the principle of representative government and establish the will of majorities as the absolute law of the land. For a political party to arrogate this right to itself by a plurality preponderance of votes cast in a political primary, would be a denial of equal voice and rights to the people of separate legislative districts, and a government of political despotism would take the place of constitutional liberty. Governments are not instituted merely to give expression to the voice of majorities that they may unrestrainedly carry their will into effect, but also guarantees that minorities and individuals shall have equal protection in all of their rights of person and of property. We should, therefore, always bear in mind that while today we may belong to the majority, on the morrow we may be numbered with the minority. The political majority should never so far forget its own rights, as well as the just exercise of its power, as to deny the voice of representative government, or deny the right of the people of separate districts to instruct their immediate representatives in the Legislature. Throughout the State, during the last year, this doctrine was asserted and defended by me, and I am glad of this opportunity to renew my allegiance to these sacred principles of government.

THE INSTRUCTIONS.

According to the election laws of the State, "Platform demands for specific legislation" are not to be considered binding on members of the Legislature unless they have been previously submitted to a vote of the people composing such party and receive a majority of all the votes cast in such party's primary election. I shall not stop to discuss the constitutionality of such a provision or the methods whereby such a provision could in any event be enforced. Personally, I have always regarded party pledges in honor binding upon me, and have acted in good faith and loyalty in obeying them, and shall continue always so to do as long as such demands do not conflict with my duty to myself and to my country under the oath of office which I may be required to take to

support the Constitution and the laws of the State not in conflict therewith. I have never believed that an amendment to the Constitution comes within the meaning of "specific legislation," or that any political party, by reason of the fact that it may be in absolute control of the offices and Legislature of the State, should arrogate to itself the exclusive right, through partisan action, to force members of the Legislature to submit constitutional amendments and ignore the voice of their districts. The Constitution itself points out the method and procedure whereby amendments to the Constitution may be proposed and submitted, and by this method the right of each separate district electing a member to the Legislature is recognized. But a majority of the Democratic State Executive Committee, after petitions were presented as required by law, directed the question of submission to be submitted to a vote of the people in the Democratic primary. After a canvass of more or less bitterness it appears that the people of two-thirds of the representative and senatorial districts instructed their representatives and Senators to vote in the Legislature to submit such an amendment. This instruction was not given by a "majority of all the votes cast" in the primary election held throughout the State on July 23rd. The vote cast in favor of submission was 155,224, those against, 126,212. There was approximately 400,000 votes polled, something like 118,564 voters not expressing an opinion. According to the law and the contention of those advocating the party and State unit of instruction, submission did not carry. But all of our officers are elected by plurality votes at general elections, as provided by statute, and, according to the contention of those who believe in the right of each district to instruct their members to the Legislature, submission did carry, and it carried also by the usual rule applying in general elections—that which provides that the man receiving the highest number of votes for any office shall be declared elected. These instructions having been given both in a constitutional way, and by party right, and it being in conformity with the platform adopted by the Democratic party in convention as-

sembled at Galveston on August 8th last, I believe it is the duty of the members of the Legislature to carry out the instructions of their people and submit this question to be voted on at the earliest date consistent with fairness to those differing in opinion over the principle of Prohibition.

KINDRED LEGISLATION.

In the campaign last summer submission of a Prohibition amendment was conceded to include all kindred legislation. The agitation was in the main for constitutional Prohibition, even those advocating it differing widely in their views as to the constitutionality of legislation proposed by disputants, or by the various candidates and their friends. Now, however, it comes to me from various sources that it is the purpose of some to seek the passage of bills by the Legislature which, upon one hand or the other, were denounced last summer by "Submissionists" and by "Prohibitionists" as unconstitutional. The object, I am told, is to force an issue upon the Governor for political use. If this is the program and it meets the approval of a majority of the Legislature, I hope no time will be frittered away in discussing it. If the issue is thus tendered it will be met. Such bills will be promptly returned to the House in which they may originate, with the Governor's objections to them clearly stated, where they can be further considered in the manner provided for by the Constitution. I can see no good purpose in wasting the people's money and consuming valuable time in prolonging a debate over Prohibition or kindred matters with the issue thus squarely joined. I deem it advisable to thus make known my position with regard to these issues, if they should arise, and hope these matters may be either promptly acted upon or allowed to drop altogether. In view of the fact that the whole question, in the form of a Prohibition amendment, is to be submitted to a vote of the people of the State, they have a right to expect prompt action on the part of the Legislature in this regard, thus deferring the whole agitation to them at a special election. If there is faith in its adoption by those who advocate it, they should be content to await the result and not consume

valuable time and money to make a political issue which will remain even if Prohibition is defeated.

SOCIAL CLUBS.

It is claimed that much effort and some money has been expended to suppress the so-called "social clubs," chartered under Chapter 11, Title 21, of the Revised Statutes. It seems to me a foolish waste of effort and an inconsistency in the law to authorize the Secretary of State to issue charters to so-called "social clubs" without restriction as to their purpose. The law should be so amended as to make it the duty of the Secretary of State to require a full statement of the purpose of forming social corporations and require the trustees or directors to make oath that it is not the purpose to allow unlawful selling of intoxicating liquors or gambling in their club rooms. I recommend that the law be amended so as to give the Secretary of State full power to enquire into the purpose of such clubs before he accepts their charters for incorporation. It should be written in the charters of such social clubs that unlawful dispensing of liquor and gambling is prohibited; and each member should be made liable for a violation of the law and the terms of the charter and be subject to prosecution.

It has been vaguely insinuated that I am favorable to a policy which would permit these unlawful social corporations to continue their business, but those who cast out such reflections are blinded with personal or political prejudice to such an extent that they are willing to sacrifice the truth in exchange for what they think will serve them as political capital. If the Legislature will amend this law there will be no charters issued by one department of the State government and straw men set up for another department to knock down. The shame of it in one instance will be stopped and the expense of it in the other will be done away with.

LOCAL OPTION.

Local option is the most rational form of prohibition. I am not myself, as all informed persons know, a believer in the principle of prohibition, but I do believe in the public policy of local option, for it confers

upon the people of any community the right to either license or prohibit the liquor traffic in any community or county. Because of my convictions on the general principle some have sought to create the idea that I would wink at violations of the local option statutes. Under the provisions of our Constitution and laws it is not made the direct duty of the Governor to see to the detail enforcement of these statutes, other constituted authorities having been provided for this purpose, but it is my purpose to invoke all the energy of the law to the full extent of the Governor's power to see that the local option statutes are enforced in a judicial, orderly and constitutional way. I believe in personal liberty, with proper restraints by the law, but unlawful license will not be tolerated where the Governor is given authority to prevent it in any case, or by any class or by any official.

ENFORCEMENT OF THE LAW.

All officers charged with the duty of doing so should see that all laws are fairly and justly enforced. Laws may not be in accordance with the individual view of a public servant whose duty it is to enforce them, but if the law is unjust, the impartial enforcement of it will bring the injustice of it to the public attention, and they will demand its repeal. I believe that it is the duty of a public official to enforce the law, whether he agrees with it or not. I trust to have the co-operation of heads of departments of the State government, as well as county, precinct and municipal officers, in the enforcement of all laws; but whether I have this co-operation of individual officers or not, I shall try to fully discharge all constitutional requirements of me in this regard to the full extent that the Legislature may supply to the Governor the means with which to do so. The Constitution imposes upon the Governor the duty to "cause the laws to be faithfully executed." This requirement shall be faithfully met by me in the manner prescribed by the Constitution, in no faint-hearted way, but with vigor and firmness.

REVENUE AND FINANCES.

The State's finances are always of the first importance in the administration of public affairs. I shall not at-

tempt now to discuss this important subject at length. When I am in position to gather some data and information which is difficult for me to obtain at the time of writing this message, I shall probably discuss the revenues and their disbursement more comprehensively. It is most difficult to arrive at an accurate conclusion as to what the revenues will amount to which can be applied to the expenses of the State for the present fiscal year as already provided for by the appropriation bill passed by the Thirty-first Legislature. Our fiscal year ends with August 31, while the assessments are made with reference to calendar years. Hence, the difficulty in estimating what may come into the Treasury to meet current appropriations.

The assessed values for 1909 were \$2,309,803,626. The ad valorem tax rate for general revenue purposes for that year was 5 cents on the \$100 of value. At this rate the total possible revenue derivable from the assessed values was \$1,154,901.81 and the total collected of this sum, together with what was collected from delinquents and insolvents amounted to \$1,566,837.78. The total revenues collected from all other sources amounted to \$2,479,202.66, a total from all sources of \$4,046,040.44.

For 1910 the values, as shown by the Comptroller's statement, were \$2,388,500,124. The Automatic Tax Board has fixed the rate at 4 cents on the \$100. The total possible revenue from the 1910 assessments will be \$955,400.04. If a like percentage is collected on assessments and from delinquents and insolvents as was collected for 1909, the total revenue to the general fund from ad valorem taxes for use in the fiscal year ending August 31, 1911, will be \$1,367,336.61, as against \$1,566,837.78 for last fiscal year. If the collections from occupation taxes and all other sources for this fiscal year equal those for the last fiscal year, the total revenue available for this year's expenses will be \$3,846,539.27. The total amount carried by the regular appropriation bill passed by the Thirty-first Legislature, for the present fiscal year, is \$3,877,353. The appropriations made by the third and fourth special called sessions, payable out of the revenues for this fiscal year, amount to \$71,246.66, or a total of \$3,948,599.66. To this sum

must be added the cost of the present session of the Legislature and such other special appropriations as it may make for expenditure during this fiscal year. The average cost of a regular session of the Legislature for the last eight sessions is \$130,645.64; and this, added to the total sum already required to meet expenses, is \$4,079,245.30, with a total possible revenue of \$3,846,539.27 to pay it with, leaving a prospective deficit, without further appropriations, of \$232,706.03. This, of course, does not include the expense of establishing and maintaining the home for aged and indigent Confederate women, nor any other emergency appropriation that may be deemed necessary by the Legislature; neither is the estimated increased cost of conducting the affairs of the penitentiary system taken into account in this estimate.

During the last four years, according to statements furnished me, \$1,585,825 was expended for new buildings and permanent improvements by the various State institutions, including the University, but exclusive of the penitentiary. Some of the State's public buildings are reported to be in a bad state of repair and all of them are asking for large sums for repairs and new buildings, the total asked for for two years being approximately \$1,539,315.

A statement from the Treasury Department shows, at the opening of business on August 31, 1909, there was a balance in the Treasury of \$1,743,208.18, and on August 31, 1910, there was a balance of \$1,424,641.61. On January 1, 1910, there was a balance of cash in the Treasury of \$1,093,331.45, and the Treasury began business on January 1, 1911, with only \$156,258.16 on hand. The figures given are from authoritative sources and succinctly give the real state of our finances. The correctness of the estimates can be easily verified. The members of the Legislature are earnestly invited to look carefully into the figures herein given and the facts which they represent.

OUR SYSTEM OF TAXATION.

Our system of taxation is not a just one. Although we have progressed some along lines suggested a number of years ago in a bill and report pre-

pared by the Texas Tax Commission in that objects of taxation have been reached which theretofore contributed nothing to the support of the government, still our system is not uniform and not just in its operation.

Under our present system property is assessed by a separate assessor in each county, and equalized by a commissioners' court for each county, and there is no uniformity of valuation or uniformity of assessment now any more than heretofore. I believe the solution of this vexatious question is the separation of the objects to be taxed for State purposes from those taxed for county and other local uses. The time will soon come when we can derive enough revenue to meet the expenses of the State government from a tax on corporations having no physical property in the State, and from excise or occupation taxes, and make the collection of a State tax on land and personal property unnecessary. This could be done now by a separation of the objects of taxation and thus leave the taxing of lands and personal property to the counties. The valuation of same would then be a matter of local self-control in which the people of other counties would have no interest. It is manifestly unfair to make lands and other property in one county, of practically the same value, subject to higher renditions and heavier taxes for State purposes than the owners of like property pay in adjoining counties. Before the Legislature can provide for the separation of the objects of taxation, however, as suggested, the article in the Constitution on taxation would have to be amended so as to give the Legislature the power to do so.

It is earnestly recommended that the Legislature propose and submit such an amendment to be voted on at the next regular election. According to a statement furnished me by the State Comptroller, the total general revenue for the fiscal year ending August 31, 1910, was \$4,046,040.44, of which sum \$1,566,837.78 was from ad valorem taxes on real and personal property and the remainder, or \$2,474,202.56, was collected from sources other than a tax on property. This indicates how easy it would be by an adjustment of our tax system on the basis proposed to raise the State's revenue in the manner suggested without levying an ad valorem

tax on lands and personal property for general State revenue purposes.

STATE'S ACCOUNTING SYSTEM.

The methods of keeping the account's of the State are such that it is exceedingly difficult to get accurate information in complete form from any one department of matters which should be of complete record and ascertainable without having to delve into the archives and records of some other department. It has occurred to me that the records in each department should accurately show the beginning and the ending of any matter. There may be complete records somewhere, but it is often not so kept as to be ascertainable without much research and delay. This should not be so. A recent act of the Legislature, which applies only to the prison system of the State, provides for an auditor. We also have provided, by separate act, a State Revenue Agent, and by another act a State Purchasing Agent. These three offices and their duties should be combined in one department and provision made for the employment of competent auditors under its control, whose duty it should be to audit the accounts of every department and institution in the State, and to systematize the bookkeeping of all of them. By the adoption of this course I believe many offices and places that are made necessary by the present conditions could be abolished and large sums of money saved to the taxpayers of the State in the general cost of conducting public affairs. Under the terms of our State banking system, and of the national banking law, a critical examination into the affairs of the banks is provided for and required. Similar scrutiny and examination into the fiscal management of all State departments and institutions should be made.

THE PENITENTIARY SYSTEM.

I shall not undertake a full discussion of this important subject at this time. Later I will probably discuss the matter fully in a special message. The act of the Fourth Special Session of the Thirty-first Legislature creating the Prison Commission and providing for the management of the prison system of the State goes too much into detail. After a few weeks

study and practical effort to apply the law, the Prison Commissioners may be able to make some suggestions for practical changes, and if so they will be communicated to you, with such recommendations and observations as are deemed advisable. I believe it would have been far better had the Legislature been content to declare the general purposes and policies of the State in the management of the penal system and then provided the Prison Commission with ample powers to issue orders and make all adequate and necessary regulations to carry such general purposes and policies into effect. A law modeled after the Railroad Commission Act, passed in 1891, would have been far more practical and satisfactory in its application and results. Unless the law is remodeled, the cost of carrying into effect and operating the system is going to be very largely more than under the present statute. Some estimate the increase in the cost will approximate a million dollars or more per annum.

STATE OWNERSHIP OF RAILROADS.

So far as experience in this commonwealth has yet proved, State ownership and operation of railroads is a failure. An examination of the management and the earnings and expenses of the road owned by the State in connection with the penitentiary system, running from Rusk, in Cherokee County, to Palestine, in Anderson County, a little more than thirty miles in length, as per the reports on file in the Railroad Commission Office, shows the venture has not been a success. Besides, the act of the Legislature providing for a loan of the public school money for its construction was of doubtful constitutionality, in my opinion, and I recommend legislation to dispose of the road, if possible, to realize its cost to the State, and the speedy repayment of the money borrowed from the permanent school fund. When I have had time and opportunity to gather accurate information, I may communicate with you further on this subject by special message, and submit such data to you as may be obtainable.

REGULATION OF WHARF COMPANIES.

Section 3 of Article 12 of the State Constitution says the "right to au-

thorize and regulate freights, toll, wharfage, or fares, levied and collected or proposed to be levied and collected by individuals, companies or corporations" shall be under legislative control and legislative authority. It is the unanimous opinion of the members of the Railroad Commission of Texas that the law should be amended so as to place wharf companies under the control of the Commission and give it the power to fix rates, and make all necessary rules and regulations for their control. Wharf companies not now being included within the terms of the Commission law, fix rates and make their own rules and regulations, and they have it in their power to materially impede the movement of traffic or to impose undue burdens upon commerce. I recommend, therefore, an amendment to Article 4562, so as to extend the powers of the Railroad Commission to wharf companies, and to all terminal and belt line railroads.

BELIEF FOR THE COURTS.

For many years there has been complaint of the delay in courts. Much of this complaint is directed at the trial courts, and is often due to the leniency and latitude allowed by the trial judges in the exercise of their discretion. Much of the reform, therefore, that we often hear discussed can be brought about by the trial judges. Surely it will not be seriously contended that the substantial rights of litigants should be abridged, but business could be expedited very much in the trial courts by revision of the law and reforming the procedure and practice as suggested elsewhere in this message.

It has been suggested to me by eminent jurists that no relief can come to the Supreme Court that will be permanent except by limiting its jurisdiction as indicated by Section 3 of Article 5 of the Constitution. "Its appellate jurisdiction shall extend to questions of law arising in cases in which the Courts of Civil Appeals have appellate jurisdiction, under such restrictions and regulations as the Legislature may prescribe," says this provision, and "until otherwise provided the Supreme Court is given jurisdiction over questions of law arising in cases in the Courts of Civil Appeals in which the judges of any of these Courts of Civil

Appeals may hold differently on the same questions of law, or where a statute of the State is held void." And certainly there should be a change in the jurisdiction of the higher courts over questions involving the constitutionality of any statute. There should be but one supreme judicial tribunal to which such questions could be referred, and then there would be no conflicts in decisions on questions of this kind.

It has also been suggested that the only substantial relief to the Courts of Civil Appeals must come through the reform of the procedure of the trial courts. A reform which the Legislature should speedily make and provide for is to require appeals to be presented by bill of exceptions which will briefly embody the objections to be urged to the judgment appealed from, accompanied by a brief statement of such of the proceedings and evidence only as is essential to a proper understanding of the points to be passed upon. This relief should come at once. Legislation of recent years allowing the taking up to the higher courts of the whole stenographic record in a case has imposed an excessive burden on the appellate court judges and attorneys should be required to reduce the issues and a statement of facts in as brief form as possible so that the judges may grasp quickly the case before them and not have to "wade through" the volumes of stenographic records as they now have to do.

REVISING LAWS AND COURT PROCEDURE.

Many of our laws, hastily considered and passed as they are, need revising. The last Legislature provided for the appointment of a committee to codify our laws and appropriated money to meet the expense of this work. I am not advised how far the work has advanced toward completion, but if additional appropriations are necessary to complete it, I suggest a remodeling of the law under which it is being done, so as to provide for the appointment of a commission to revise, change, add to or take from any statute now in effect, so as to perfect, simplify and make the law concise and take from it surplusage of words and make its meaning simple and clear. The procedure of our courts could be likewise modified and the cost of litigation greatly reduced and the trial

of causes expedited. The lawyers composing this revision committee should be selected solely for their eminent fitness to do the work and should be non-partisan. The compensation should be enough to secure men of the best ability; and those selected should be chosen for the places only from a list of persons recommended by the Supreme Court. We constantly hear discussions about the cumbersomeness of our judicial procedure and the delays of the law. It will not soon be otherwise unless some practical plan for a complete revision such as herein suggested is provided for. After discussing the matter with eminent jurists, I have concluded the plan herein suggested is the only feasible one that is likely to bring substantial and effectual revision and reforms in the law and court procedure. I do not recommend the creation of new commissions and new offices, but this committee of revision could take the place of the present codifying committee. If the work is thoroughly done it certainly would result in the saving of time and a large sum of money to the State, and to litigants.

ABOUT JURISDICTION IN TRAVIS COUNTY.

The legislative policy of giving jurisdiction to the district courts of Travis county in State cases should be changed. In recent years nearly all acts conferring exclusive right upon the Attorney General to bring suits for the State have provided that jurisdiction should vest in the district courts of Travis county. This entails hardship and injustice on citizens litigating with the State and often entails extra expense. Texas is rich and powerful and able to gather its evidence and bring its witnesses from all quarters of the State. Citizens whom it may sue ought not to be required to incur great expense going away from their homes to Austin to defend their rights against the State. Individuals who have litigation with the State are at a disadvantage even when the situs of the suit is at the home of the citizen, and the practice of forcing him away from his home and away from his witnesses and away from the place where his reputation is best known, gives to the State an advantage to which it is not entitled. Especially is this true in cases which arise because some State official, who has full

authority under the law to protect the rights of the State, neglects his duty to do so, or knowing or suspecting that a fraud is about to be perpetrated on the State, consents to its being done.

OUR ANTI-TRUST LAWS.

Our anti-trust laws should be fairly and firmly enforced, but prosecution should not be made for the purpose of graft or merely for the securing of fees incident to their enforcement. Texas has as good or better laws defining and punishing trusts and combinations as are on the statute books of any State. Our laws are far-reaching and drastic. In addition to monetary penalties prescribed, provision is made for punishing every person found guilty of violating the anti-trust laws by imprisonment in the penitentiary for a term of not less than one nor more than ten years.

Industrial effort should not be paralyzed, but criminal combinations should be broken up. The State should not seek solace in suits for penalties and have its laws appeased by a mere monetary payment. But let the criminal provisions of the trust laws be enforced as a vindication of the public's right to protection from imposition, combinations and monopoly.

Whenever the State compromises with these violators of its law for money it takes a partnership interest in the vice which it denounces. Not a single so-called trust that has paid a penalty as such but what is now doing business in Texas, either in its own name or under some other, and in most cases has added many times the amount of the penalty paid the State to the price of articles controlled by it and in every such case the consumer has contributed the penalty the State collected.

I insist that the penal provisions of the law should be enforced. In this way alone will unlawful combinations in restraint of trade be broken up. The law should also be amended as to deprive any officer of the State of the right to make "compromises" with violators of the anti-trust laws of Texas.

ANTI-PASS LAW.

I have always favored the suppression of the free-pass evil, but the so-

called anti-pass law should be amended so as to make its purposes and provisions clearer. The Railroad Commission, charged as it is by the law with part responsibility for its enforcement, has found much difficulty in harmonizing many of its conflicting provisions. The law should be amended so as to remove the restraint on the freedom of contract to the extent at least of allowing newspapers to sell their advertising space and accept in exchange for it railroad transportation. I do not believe that a newspaper could thus be corrupted with railroad transportation, as has been imputed by some. A "fair exchange of property is not robbery," and should not be made a crime either. A change should be made, empowering the Railroad Commission, in worthy instances like that of the Volunteer Firemen attending their State conventions, to make a special rate for that purpose or, on application of the railroad companies, to approve, by order, free transportation for the delegates. The Volunteer Firemen of the State are an unselfish set of men, who give their time and jeopardize their lives to protect the lives and property of others, without hope of material reward. Surely it can do no injury to good morals or to good public policy to amend this law as suggested. It should be amended, too, so as to apply to persons of all classes alike who are engaged in charitable work.

THE TEXT-BOOK LAW.

The Thirtieth Legislature passed an amended text book law, and it will be the duty of the Legislature to deal with that question. I recommend that this law be amended so as to prevent such frequent changes in the children's school books. The children hardly have time to get acquainted with one list of books before they are changed. The books should be standardized and it should be provided that they should be revised and kept up to a high standard and not changed oftener than once in ten years. The law should provide for a committee of competent scholars, whose duty it would be to carefully examine the books as often as advisable and recommend to the publishers such revision of the books as deemed necessary. In this way the text books for the school children of Texas could be kept up to a high

standard and the parents and the children protected from frequent changes. At all events, the law, as it may be amended, should prohibit the employment of lawyers and others as lobbyists to appear before the text book board. The text book board ought to be composed of competent instructors who are able to learn more of the merits of a text book from a critical examination of it than they can glean from an attorney or other person employed to appear before them for the influence such an attorney or lobbyist may be supposed to possess.

OUR EDUCATIONAL SYSTEM.

The Democratic platform demands the improvement of our common school system and I sincerely hope some amendments to the present

laws, in the wisdom of the Legislature, may be made, whereby country high schools can be established and maintained. I have some doubt about the schools ever being what they should be until our system of providing means for their support is changed. Under the present arrangement the apportionment of the State tax is enough to run the schools nine months in the year, in some counties, while in others it will not keep them going half that length of time. For the present, perhaps, the only remedy is to change the basis of apportionment and put it on the average attendance instead of on the scholastic population. The following table shows the scholastic population for the years named, the average attendance for the year, expenditures, and expenditures per capita, and per capita on average attendance:

Years.	Scholastic census.	Average attendance.	Expenditures.	Expenditures per capita scholastic population.	Expenditures per capita of average attendance.
1906-7	800,864	471,646	\$ 7,644,787	\$ 8.71	\$ 16.20
1907-8	893,441	496,361	8,448,614	9.41	17.01
1908-9	914,628	524,635	9,668,011	10.54	18.43

And the following table is still more interesting in showing the ine-

quality of benefits now derived in different counties:

County.	Total population, census 1910.	Scholastic population, 1910-1911.	Scholastic population, common school district, 1909-1910.	Average attendance, 1909-1910.	Total expenditures in common school districts, 1909-1910.	Expenditures per capita in common school districts, 1909-1910.	Expenditures per capita of average attendance in common school districts, 1909-1910.	School term in days.
Angelina	17,705	4,422	3,083	1,613	\$27,013.00	\$ 8.75	\$ 16.24	110
Baylor	8,411	2,195	1,563	746	18,058.00	11.55	24.20	119
Brown	22,935	5,596	3,532	2,050	36,356.00	10.29	17.73	101
Collin	49,021	12,895	8,901	4,901	83,955.00	9.39	16.82	112
El Paso	52,509	10,444	2,792	543	35,295.00	12.64	65.00	166
Nolan	11,090	2,955	1,609	951	18,573.00	11.54	19.52	118
Starr	13,151	3,182	2,547	673	15,076.00	6.26	23.66	157
Val Verde	8,613	2,337	1,625	422	12,198.00	7.50	28.90	152
Webb	22,503	6,306	3,016	688	17,676.00	5.85	25.69	141

El Paso county, on the basis of average daily attendance, gets nearly four times as much as Collin, and Val Verde nearly twice as much as Angelina. I believe, however, that a change in our organic law should be made so as to allow the collecting of a county tax for school purposes in lieu of the State tax, and supplement the county tax by distributing the revenues from the available State school fund on the per capita basis as supplemental to the county tax. In this way, in my opinion, the system would develop, and soon we would find the counties of Texas dotted over with rural high schools; a greatly stimulated local pride; improved school buildings, and better salaries and better teachers. My ideas may be in advance of the times on this point, and may not meet the approval of some who are wedded to the present system, but local taxation and local interest in schools have done more to build them up and increase their efficiency than all the

boastfulness we are wont to express about our magnificent State fund.

An amendment to Article 7, Sections 10 and 13 of our Constitution, should be proposed and submitted to a vote of the people at the next regular election, providing for the separation of the Agricultural and Mechanical College and the University of Texas. This amendment should provide for the appointment of regents for both institutions with longer terms of office. A board of nine regents with terms of six years, three to be appointed every two years, would be far better than the present provision for two year terms for regents of these institutions. Care should be taken in this proposed amendment to make the terms of all boards for State educational and eleemosynary and penal institutions six instead of two years, and I sincerely hope that it will be done, thus removing, as far as practicable, the managers of these institutions from the effects of politics and changes in administration. The proposed

amendment should also make provisions for separate income for the State institutions of higher learning.

An educated citizenship, with a proper training of the heart as well as of the mind, is the best guarantee of good government and of good conduct.

OUR PUBLIC LANDS.

Of all the laws complained of, heretofore enacted, involving a general policy of the State, none have done more to retard its development and growth than our land laws. Under these laws practically all lands of much value have been disposed of, with the result that large tracts have been accumulated in the hands of individuals. Whether this has been done in strict conformity with the law, as doubtless has been done in very many cases, or whether it has been the result of collusion, the policy has permitted it, and the result has been to the State's disadvantage and has kept back its settlement and development. Had a wise land policy obtained, in line with that of the Federal Government, there would be today, I sincerely believe, ten millions of people in Texas, whereas the census gives us less than four million. The difference in the effect of the two policies is illustrated by Greer county, Oklahoma, which formerly was under the jurisdiction of Texas. When the Texas land laws applied there were but few people in that county and very little production of wealth from the cultivation of the soil. As soon as it was transferred to the Federal jurisdiction the lands of Greer county came into demand for settlement, were put into cultivation and that county now is one of the most densely populated counties in our neighboring State, a family residing, it is said, on nearly every quarter section of land. Just across Red river to the south, where our land policy is applied and with really better lands, there are but few people and the land is in large tracts, and, as a rule, not in cultivation. The population is sparse and the lands non-producing. But, as the Land Commissioner says in his last annual report, it is probably a waste of time to now discuss what the land policy of the State should have been. Out of 145,000,000 acres he shows that approximately 45,000,000 acres

were set apart to the public school fund, less than nine per cent of which now remains unsold, or 3,955,788 acres. According to his statement more than three million acres of this land is producing no revenue to the school fund. Most of this land lies in the hills and mountains west of the Pecos river, and he says is "inaccessible for human residence." Your careful attention is invited to what the Land Commissioner says about it in his report.

Especially is your earnest consideration invited to the state of the present law relating to mineral rights and mineral lands, which is discussed also by the Land Commissioner in his report. An enlightened policy, as shown by the development of the mineral wealth of other States, is necessary to produce like results in Texas. There is no doubt but that, with proper amendments to our law, which would encourage investments in prospecting and development, it would soon be shown that Texas, in the barren section, or a portion of it, mentioned by the Land Commissioner, is as rich in mineral as are the hills and mountains of the Republic across the Rio Grande to the south.

Under the law, the Commissioner of the General Land Office is vested with large discretionary powers. In the past, as now, if he had reason to believe there was fraud or collusion he could refuse to sell land, without assigning a reason. If lands have been purchased through fraud and by collusion there should be proper prosecution of those responsible for it, and due efforts should be made to restore such lands to the State. Suits should never be brought for the purpose of harassing the citizen who is honestly trying to develop lands he has purchased in good faith from the State, and a general disquieting of titles brought about in order that such suits may be made to do political service for somebody; nor should the agents of the State, paid out of the public treasury, and having access to the records and information obtainable only in the land office, be allowed to remain in the State's service while accepting fees from private persons interested, who may be willing to pay him for information gained in his official capacity.

As soon as I can collect some data that is accurate and reliable, with reference to collusive purchases of

public lands and the suits relating thereto, I expect to transmit it to the Legislature for consideration, with such comment on same as may be pertinent and just.

IRRIGATION AND CONSERVATION.

There are millions of acres of land in Texas that are idle and non-productive, which, with irrigation, could be made productive of great wealth. Our irrigation laws should be remodeled so as to encourage the investment of capital in irrigation systems and the construction of reservoirs for the conservation, storage and distribution of waters and which would, at the same time, safeguard and protect the customers of irrigation companies. With proper irrigation the productiveness of these lands would be increased many millions of dollars annually.

AGRICULTURE.

Neither our laws nor the appropriations made by the Legislature have given sufficient encouragement to agriculture. There has been a superabundance of political legislation and a multiplicity of offices and departments and commissions, but the consideration given to agricultural experiments and agricultural training has been meagre and what has been done in this direction has been tardily bestowed. The wealth producing power of the agricultural lands in this State, with intense farming methods used, is almost beyond computation. Money expended for experiments and the teaching of these methods will be money well used and I most thoroughly approve the declaration in the Democratic platform in favor of the establishment of as many agricultural training schools as practicable. With the best methods of farming in use, with land in small tracts and cultivated by modern methods, the products from agriculture alone in Texas would support a population equal to that of France and still have more to sell abroad than our State now produces.

STOCK RAISING.

In importance, as a wealth producer, the live stock industry in Texas stands second to agriculture. Due care should be taken to give ad-

equate protection and encouragement to this industry. For some time past the Federal authorities have threatened to quarantine all Texas cattle because of alleged lax enforcement of the State quarantine regulations. In view of a probable large deficiency at the close of the present fiscal year, I cannot bring myself to the point of suggesting or approving of large special appropriations for any purpose, but enough money should be supplied to the Livestock Sanitary Commissioners to enable them to protect the live stock interests of Texas by enforcing the laws enacted by the Legislature for that purpose.

CONFEDERATE PENSIONS.

An act passed by the Thirtieth Legislature provides that each indigent ex-Confederate soldier who can establish his right thereto, as provided in the act, shall be paid \$8 per month, provided there is enough money in the Treasury to do so. At the time this act was passed the total amount available for Confederate pensions was \$500,000 per annum, that being the maximum fixed by the Constitution which could be expended for that purpose. At the time the law was passed there were approximately 7,500 pensioners carried on the Confederate pension rolls, and \$8 per month would have required \$96 per year for each pensioner, or a total of \$720,000 per annum. There are now 12,100 Confederate pensioners and they received for the last quarter \$10.50 or \$3.50 per month. There is much complaint from the old veterans that even this small sum reaches them with perplexing tardiness, which is due, I am assured, to the inadequate office force of the Pension Commissioner. Steps should be taken to fulfill the provisions of the law or else the law should be changed to fit the Constitution. To provide for \$8 per month in the face of a constitutional limitation of less than half that sum is, to say the least of it, an inconsistency that should be corrected.

CONFEDERATE WOMAN'S HOME.

The people of Texas have adopted the amendment to their Constitution, submitted by the Thirty-first Legislature, providing for a Confederate Woman's Home. The Daughters of

the Confederacy, with loving devotion and sacrifice, have erected in Austin such a home for indigent and aged Confederate women and have been maintaining it with their contributions. This Home is a monument of love and reverence which the women of Texas bear for those who remained at home and spun and wove and wept, and with their plaudits encouraged the followers of the white-souled Lee in defense of the rights of the States and of the principles of local self-government. I earnestly urge upon the Legislature that speedy provision be made for taking over this Confederate Woman's Home and that adequate provision for its enlargement and support be made.

OUR ELEMOSYNARY INSTITUTIONS.

The bereft of reason should not be required to languish in jails, but ample provision at our insane asylums, where proper treatment can be given them, should be afforded without delay. The institutions for the deaf and dumb and for the blind should be enlarged and sufficient appropriations made to accommodate every deaf and dumb and blind child in Texas who seeks the education and improvement which these institutions can give.

PUBLIC HEALTH.

The public health is always a matter of the first importance. At times it requires great vigilance on the part of health officers to keep pestilential diseases out of Texas and prevent their spread after they develop here. Adequate provision, with proper safeguards for expenditure of moneys should be made for such emergencies. The Legislature should provide for the building and maintenance of a sanitarium for the care of indigent consumptives. A leprosy colony should be established, where those afflicted with that terrible disease could be properly cared for and separated from the general public. The sweetest charity dispensed by the hand of man, or by his government, is the assistance given to those who are physically weak and financially impoverished, or dethroned of their reason, and unable to help themselves on this account.

PURE FOOD LAWS.

The food and milling laws providing for inspection and the pure food laws providing for the office of Dairy and Pure Food Commissioner, should be amended and consolidated in one statute, and the two departments combined into one with offices in the Capitol. It is believed that much more effective service could be secured and double work and expense avoided by this course. Considerable saving, probably as much as fifteen thousand dollars per annum, it is estimated, could be effected in this way. Besides, after a manufacturer's goods are examined and stamped by State authority it is worth something to the manufacturer, and a small fee should be charged for this work. With these laws revised and the two departments consolidated much more effective results can be obtained and a great deal more revenue would be derived from this source.

CONCLUSION.

In conclusion, let me again express the opinion that, after many years of strenuous legislative program, we can well afford to take a rest from additional new and untried laws and legislative theories of governmental interference with the detailed activities of the citizen in his business affairs. We need time in which to familiarize ourselves with the laws we already have. Although many of them need amending, there is no general demand on the part of the Texas people for any harassing new ones. Needless legislation and unnecessary political strife retards the progress of the citizen himself and keeps back the development of the State. Let's devote the time and energy we have to an effort to develop the minds and hearts of our people to a higher standard and to a better understanding of the rights of one another and those things generally which will stimulate self-government. We can afford to give investors assurance that the Constitution and laws of Texas seek to protect every honest dollar honestly invested, no matter from whence it comes. We can afford to encourage investment of capital in developing the rich resources of our State, not by exemption laws, nor special favors, but by giving as-

insurance that the law will protect the honest investor who is law-abiding and in good faith seeks to observe the law. Assure labor that it will be protected in all its just demands upon organized capital, and protect organized capital in legitimate uses and development from the vengeance of predatory politicians; abolish all useless offices and places and create no new ones not essential to the public good. I sincerely hope the session of the Legislature will be pleasant and agreeable to its members, as brief as possible to dispose of the necessary public business; and that your sojourn in Austin may inspire you with a good opinion of its splendid citizenship; and you take home with you, at your adjournment, the good will of all its citizens, and have the plaudits of approval of the people throughout the entire State.

Respectfully submitted,

O. B. COLQUITT,
Governor of Texas.

PENDING BUSINESS.

Action here recurred on the pending business, which was the point of order by Senator Meachum on the resolution by Senator Cofer.

(See former proceedings for resolution and point of order.)

MESSAGE FROM THE GOVERNOR.

Governor's Office, Austin, Texas,
January 19, 1911.

To the Senate:

The advice and consent of the Senate is respectfully asked to the appointment of the following persons to the offices named:

To be Railroad Commissioner—John L. Wortham of Harris County.

To be Regents of the University of Texas—Clarence Ousley of Tarrant County, George W. Brackenridge of Bexar County, George W. Littlefield of Travis County, W. H. Burgess of El Paso County, Alexander Sanger of Dallas County, John H. Kirby of Harris County, W. H. Stark of Orange County, Fred W. Cook of Bexar County.

To be Directors of Agricultural and Mechanical College—W. A. Trenckmann of Travis County, John I. Guion of Runnels County, Walton Peteet of Tarrant County, J. Allen Kyle of Harris County, L. J. Hart of Bexar County, Charles Davis of Brazos County, Paul Waples of Tarrant County.

To be Secretary of State—Charles C. McDonald of Kaufman County.

To be Adjutant General—Henry Hutchings of Travis County.

To be Assistant Attorney General—C. E. Lane of Fayette County.

To be Assistant District Attorney of Bexar County—J. F. Carl of San Antonio.

To be Commissioner of Insurance and Banking—B. L. Gill of Kaufman County.

To be Board of Pardons—Lewis Hagen of Gillespie County, O. C. Kirven of Freestone County.

To be Superintendent of Public Buildings and Grounds—A. B. Conley of Wise County.

To be members of State Insurance Board—R. L. Pollard of Travis County, S. W. English of Cooke County.

To be Game, Fish and Oyster Commissioner—William G. Sterett of Dallas County.

To be members of Live Stock Sanitary Commission—James H. Callan of Menard County, W. N. Waddell of Ector County, Al. M. McFaddin of Victoria County.

To be Labor Commissioner—J. A. Starling of Tarrant County.

To be State Purchasing Agent—John G. McKay of Bell County.

To be Dairy and Pure Food Commissioner—J. S. Abbott of Denton County.

To be State Health Officer and Chairman of the State Board of Health—Dr. Ralph Steiner of Travis County.

To be members of State Board of Health—Drs. B. F. Calhoun of Jefferson County, Hugh F. McLaurin of Dallas County, K. H. Beall of Tarrant County, B. M. Worsham of El Paso County, A. W. Fly of Galveston County, S. M. Lister of Harris County.

To be State Revenue Agent—E. B. House of San Saba County.

To be Regents of College of Industrial Arts at Denton—A. S. Hardwicke of Taylor County, A. C. Garrett of Dallas County, J. C. Colt of Denton County, James H. Lowry of Fannin County, Mrs. Cone Johnson of Smith County, Mrs. Flora B. Cameron of McLennan County, Mrs. Sallie B. Capps of Tarrant County.

To be Library and Historical Commission—Walter Tips of Travis County, Mrs. Joseph D. Sayers of Travis County, Mrs. Joseph B. Dibrell of Guadalupe County.

To be State Board of Medical Examiners—Drs. W. L. Crosthwaite of Bell County, W. B. Collins of Houston County, George L. Baber of Wood County, J. H. Evans of Anderson County, J. D. Osborn of Johnson County, J. F. Bailey of McLennan County, M. E. Daniel of Fannin County, J. D. Mitchell of Tarrant County, R. O. Braswell of Tarrant County, T. J. Crowe of Dallas County, Paul M. Peck of Bexar County.

To be State Mining Board—H. C. Koehler of Bexar County, W. K. Gordon of Palo Pinto County, C. N. Avery of Travis County, M. M. Bullock of Milam County, William Alingham of Palo Pinto County, George C. Griffiths of Wise County.

To be Board of Managers of State Orphans' Home at Corsicana—R. S. Neblett, Aaron Ferguson, R. J. Saunders, William Conner, W. B. Parker of Navarro County.

To be San Jacinto Park Commissioners—Joseph S. Rice, W. H. Coyle, Mrs. Rosine Ryan of Harris County.

To be Board of Managers of North Texas Insane Asylum at Terrell—George E. Kelley, Jeff C. Lyon, A. U. Puckett, R. C. Goodman and C. C. Bennett of Kaufman County.

To be Board of Managers of State Lunatic Asylum at Austin—W. H. Folts, T. J. Rouzee and Billy Wolff of Travis County, J. R. Kubena of Fayette County, O. E. Olander of Williamson County.

To be Board of Managers of Epileptic Colony at Abilene—John Bowyer, T. J. Toombs, Ed V. Maier and E. E. Hall of Taylor County, Ben L. Russell of Callahan County.

To be Board of Managers of State Blind Institute at Austin—William D. Bradfield, H. A. Wroe, O. D. Parker, T. J. Christal, F. G. Reynolds of Travis County.

To be Trustees of Deaf and Dumb Institute—I. P. Lochridge, Joe Koen, S. F. Nolan, Moritz Silver and S. M. Burt of Travis County.

To be members of the Board of Trustees of the Southwestern Insane Asylum at San Antonio—C. H. Bertrand, Vories P. Brown, R. P. Coon, W. C. Rigshy and George B. Taliaferro of Bexar County.

To be Managers of Confederate Home at Austin—W. C. Walsh, W. R. Davis, Al Musgrove of Travis County, Houston Haynie of Kaufman County, William Owens of Bastrop County.

9-8.

To be State Dental Board—Drs. A. F. Sonntag of McLennan County, T. L. Westerfield of Dallas County, T. S. Cartwright of Grayson County, C. M. McCauley of Taylor County, N. J. Bisco of Tarrant County, J. M. Murphy of Bell County.

To be Trustees of Deaf, Dumb and Blind Institute for Negroes—W. B. Anthony, A. L. Hughes, Sydney Posey, W. D. Miller, Ed Schutze of Travis County.

Board of Managers for Institution for Training of Juveniles at Gatesville—Davis R. Hall of Coryell County, V. G. Thomas of Nueces County, F. J. Maier of Comal County, Mrs. Cornelia Branch Stone of Galveston County, Mrs. N. A. Shaw of Bowie County.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

EXECUTIVE SESSION—TIME SET FOR.

Senator Watson moved that tomorrow at 10:30 o'clock a. m. be designated as the hour for the Senate to sit in executive session to consider the appointments sent to the Senate by the Governor:

Senator Cofer moved, as a substitute, that the hour for executive session be set at 2 o'clock p. m. tomorrow.

Action recurred on the substitute motion first, and the same was adopted by the following vote:

Yeas—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell of Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

SIMPLE RESOLUTION.

By Senator Weinert by unanimous consent:

Whereas, the good people of Texas are taking a keen interest in the question of prison reform, and

Whereas, there are now pending before this Legislature many bills on this important subject, and

Whereas, the members of this Legislature are anxious and desirous of all data and intelligent information on the subject, and

Whereas, we are advised that Hon. Amos W. Butler, President of the American Prison Association, a criminalist of international reputation, will be in the city of Austin on the 22nd, 23rd and 24th inst.

Therefore, be it Resolved by the Senate, That the honorable gentleman be invited to address the Senate on the night of January 23rd at 8 p. m., and that the members of the House be invited to attend.

WEINERT,
RATLIFF,
PERKINS,
STURGEON,
MAYFIELD.

The resolution was read and adopted.

PENDING BUSINESS.

Action recurred on the pending business, which was the point of order by Senator Meachum on the resolution by Senator Cofer (see former proceedings for resolution and point of order).

The Chair, President Pro Tem. Hudspeth, sustained the point of order. Following is the ruling:

The Senator from Cooke offered the following resolution:

"Resolved, That the vote of the Senate by which the rules of the Senate of the Thirty-first Legislature was adopted as the temporary rules of the present Senate be rescinded."

Upon that motion the Senator from Grimes raised the point of order that under Rule 63, no standing rule could be suspended or changed without giving one day's notice.

The Chair, in sustaining the point of order made by the Senator from Grimes upon the motion of the Senator from Cooke, refers the Senate to Rule 63, which is as follows:

"No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor."

To the mind of the Chair, this rule absolutely inhibits any change whatever in the rules without first giving to the Senate one day's notice of said proposed change.

If the motion of the Senator from Cooke was adopted, it would bring about a rescission of the resolution, providing that the rules of the Thirty-first Senate should govern until the Committee on Rules made its report, leaving the Senate without rules under which to proceed.

In the opinion of the Chair, the proper procedure would have been to instruct the Committee on Rules to bring in their report, said report lying over one day, as provided in the rules for changes in the rules, and could then have been taken up as the Senate rules provide.

The Chair cannot find and has made a diligent research where any parliamentary body has ever changed its rule in the twinkling of an eye or by a magic as it were.

If the motion of the Senator from Cooke is adopted, in the judgment of the Chair, it would abrogate all rules of the Senate and the rules governing the proceedings of the Senate would at once be just what the will of the majority should desire, and in the opinion of the Chair, there would be no need for printed rules governing procedure herein whatever.

The Chair can see no imperative necessity at this juncture for revolutionary proceedings in matters of legislation by this body, and while the Chair may be in error, he does not propose by his ruling, to sanction the abrogation of a rule, the tenure of which runneth back in legislative proceedings in this State to where the memory of man runneth not to the contrary.

The Chair, in making this decision, does so without regard to whether it comes from the anti or the pro side of this chamber, but shall make same with an eye single to deliverative procedure and shall at all times

endeavor to keep both feet upon the Constitution and his eye upon the rules as laid down in the legislative manual of this Senate.

Senator Cofer appealed from the ruling of the Chair, and moved the previous question on the appeal.

The motion for the previous question being duly seconded, was so ordered.

Senator Ratliff was called to the Chair and presided.

Question—Shall the Chair be sustained?

The Senate refused to sustain the Chair by the following vote:

Yeas—11.

Adams.	Paulus.
Astin.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.
Murray.	

Nays—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Present—Not Voting.

Hudspeth.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "yea," with Senator Greer (absent), who would vote "nay."

Action then recurred on the resolution by Senator Cofer, Pres. Pro Tem. Hudspeth resuming the Chair.

The vote on the resolution resulted as follows:

Yeas—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Nays—11.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	

Absent.

Real.

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Perkins (absent), who would vote "yea."

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Meachum made the point of order that it required a two-thirds vote to adopt the resolution, contending that a motion to rescind the vote was in effect the suspending of the rules of the Senate, citing that part of Rule 61, page 12, which reads, "To suspend any rule of the Senate."

The Chair, Pres. Pro Tem. Hudspeth, sustained the point of order.

Senator Cofer appealed from the ruling of the Chair.

Senator Collins was called to the Chair and presided.

Question—Shall the Chair be sustained?

The Senate refused to sustain the Chair by the following vote:

Yeas—10.

Adams.	Murray.
Astin.	Paulus.
Hume.	Peeler.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.

Nays—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Present—Not Voting.

Hudspeth.

Absent.

Real.

PAIRED.

Senator Willacy (present), who would vote "yea," with Senator Perkins (absent), who would vote "nay."

Senator Weinert (present), who would vote "yea," with Senator Greer (absent), who would vote "nay."

The Senate having overruled the Chair, the resolution was declared adopted, President Pro Tem. Hudspeth resuming the chair.

SIMPLE RESOLUTION.

Senator Cofer offered the following resolution:

Resolved, That the rules of the Thirty-first Senate be adopted as the permanent rules of the Thirty-second Senate.

Senator Meachum contended that the resolution being in effect a motion to fix the rules of the Senate, should be referred to the Committee on Rules, but the Chair overruled him, whereupon Senator Meachum moved that the resolution be referred to the Committee on Rules.

Senator Cofer moved to table the motion, which motion to table prevailed by the following vote:

Yeas—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Nays—11.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	

Absent.

Real.

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Perkins (absent), who would vote "yea."

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Vaughan offered the following amendment to the resolution by Senator Cofer:

Add after Rule 6, the following Rule 6-a:

Rule 6-a. "If any Senator other than the regularly elected President Pro Tem. be presiding and fails or refuses to recognize any Senator to make a motion that is in order, or to raise a point of order that is in order to raise, or fails or refuses to entertain an appeal from his decision, or to put such question to the Senate or fails to recognize any Senator to demand that a point of order under discussion be immediately decided, or fails to put the question, if seconded by ten Senators, 'Shall the point of order be now decided,' such Senator so offending shall be deemed guilty of violating the high privileges of the Senate, and the members thereof, and shall be in contempt of the Senate, and until such offending Senator shall purge himself of such contempt and be excused by the Senate, he shall not again be called to the chair during the Session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order, or to entertain the motion, point of order, or appeal of any Senator, or to pass upon the same, or to recognize a Senator to make the demand when seconded by ten Senators that a point of order under discussion be immediately decided, then Senator seeking recognition may rise in his seat and without recognition read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in his refusal, then any number of Senators constituting a majority of the Senators present, may present such written demand to the Sergeant-at-Arms, or the Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer, or either of them, to arrest said Senator so presiding and eject him from the chair, and retain him under arrest until he shall be released by order of the Senate.

"Should the Sergeant-at-Arms or Assistant Sergeant-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

"When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the

Senate to order and a President Pro Tempore ad interim shall be elected to preside until the Lieutenant Governor or regularly elected President Pro Tem shall appear and take the gavel.

"As soon as order is restored the chair shall cause a record of the fact of removal to be made."

Pending.

RECESS.

Senator Cofer, at 7:28 o'clock p. m. moved that the Senate recess until 10 o'clock a. m. tomorrow.

The motion was adopted by the following:

Yeas—16.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—10.

Adams.	Meachum.
Astin.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.
Kauffman.	Watson.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Willacy (present), who would vote "nay," with Senator Perkins (absent), who would vote "yea."

AFTER RECESS.

The Senate was called to order by President Pro Tem. Hudspeth at 10 o'clock a. m. which was pursuant to the time a recess was taken.

PENDING BUSINESS.

Action recurred on the pending amendment by Senator Vaughan to the resolution by Senator Cofer.

Senator Cofer moved the previous question on the amendment, the motion being duly seconded was ordered by the following vote:

Yeas—14.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—11.

Adams.	Paulus.
Hudspeth.	Peeler.
Kauffman.	Terrell, McLennan.
Lattimore.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Astin.	Perkins.
Hume.	Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Action then recurred on the amendment and the same was adopted by the following vote:

Yeas—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Nays—11.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	

Absent.

Real.

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Per-

kins (absent), who would vote "yea."

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Vaughan offered the following amendment:

Amend Rule 5 so as to read as follows

The Lieutenant Governor of the State shall, by virtue of his office, be President of the Senate; decide all questions of order, subject to appeal by any member; have direction and control of all committee clerks and employes of the Senate and assign them to their duties. He shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers. He shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member in the place of the member so called to the chair by the Lieutenant Governor, and a motion shall be in order at any time such substitute is presiding to elect another member to preside, and if a majority of the Senators present so vote the member called to the chair by the Lieutenant Governor or by the President Pro Tem. of the Senate shall vacate the chair and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tem. shall take the gavel and preside.

The amendment was adopted by the following vote:

Yeas—17.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Perkins.	

Nays—11.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Watson.
Kauffman.	Willacy.
Meachum.	

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Vaughan offered the following amendment:

Amend the rules by inserting after the word "adjourn" wherever it occurs, the words, "or recess."

The amendment was adopted by the following vote:

Yeas—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Vaughan offered the following amendment:

Amend Rule 14 so as to read as follows:

When two or more members rise at once the presiding officer shall decide which one shall speak first, but from his decision an appeal without debate may be taken to the Senate by any member.

(Senator Meachum in the chair.)

The amendment was adopted by the following vote:

Yeas—15.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
McNealus.	Warren.
Perkins.	

Nays—11.

Adams.	Faulus.
Astin.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Real.

PAIRED.

Senator Mayfield (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Weinert (present), who would vote "nay," with Senator Greer, absent, who would vote "yea."

Senator Vaughan offered the following amendment:

Amend Rule 20 so as to read as follows:

While a member has the floor no member shall interrupt him or otherwise interrupt the business of the Senate except for the purpose of calling him to order or for the purpose of moving the previous question or for the purpose of demanding that a point of order under discussion or consideration be immediately decided, and any member shall, though another member have the floor, be recognized by the presiding officer, and be in order to call to order the member, or to move the previous question, or to demand that a point of order be immediately decided.

The amendment was adopted by the following vote:

Yeas—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—11.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Willacy.
Meachum.	

Absent.

Real.

Watson.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Senator Vaughan offered the following amendment:

To add after Rule 21 the following rule:

Rule 21a. Pending the reading of any bill or any resolution introduced or offered by any member, the foregoing privileged motions shall be in order, and any member shall be recognized by the presiding officer and be in order to make any of such motions, or to move that the first reading of such bill or resolution be, for the time, dispensed with, and that the bill or resolution lie on the table until for the purpose of giving it a first reading, it is taken off the table by a majority vote of the Senate.

The amendment was adopted by the following vote:

Yeas—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

(Pres. Pro Tem. Hudspeth in the Chair.)

Senator Kauffman offered the following amendment:

AMENDMENT TO RULE 6.

Add after Rule 6-A the following rule, 6-B:

Whenever a majority of the Senate shall insist upon conducting the business of the Senate in an unparliamentary and an unconstitutional manner, said majority shall be held to be in contempt of the Senate and indifferent to the interests of the State and until said majority shall purge itself of said contempt it shall not be permitted to participate in the deliberations of the Senate. And in the event that said majorities, as has been the wont of majorities when intent upon violating established precedents and destroying governments, shall refuse to observe this rule, then the Sergeant-at-Arms of the Senate shall remove the said majority from the chamber, and should said majority, in view of its physical superiority, refuse to comply with the commands of the Sergeant-at-Arms, then it shall be the duty of the minority, in its efforts to maintain the Constitution, to call to its assistance the State rangers. And if said majority, on account of its physical superiority, shall continue in its refusal to obey the mandates of the Constitution and the requirements of such rules as are recognized by all deliberative bodies, then it shall be the duty of the Adjutant General, upon the demand of the minority attempting to preserve the government, to order out for the maintenance of constitutional rule, the militia of the State. And should the Adjutant General and the militia, under his command, fail or refuse to observe the orders of the regularly constituted authorities of the Senate, then the entire militia shall be held in contempt and subject themselves to such punishment as is provided by the Constitution of Texas and the laws enacted thereunder.

It is further provided that during debate upon the question of contempt as created by this provision of the rules, no ex-member of the Senate shall be permitted to occupy a seat on the floor nor to directly or indirectly advise with the majority thus in contempt, but that said majority shall be required to extricate itself from the delicate position in which it has placed itself, without the aid of experienced and learned parliamentarians, who have in the past

controlled and managed said majority but who through the action of their constituents have been returned to private life.

KAUFFMAN,
HUDSPETH,
WEINERT.

The amendment was read and Senator Meachum moved that further consideration of the amendment be postponed until tomorrow morning after the morning call and that it be printed in the Journal.

Senator Cofer moved to table the motion, which motion to table prevailed by the following vote:

Yeas—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

Action then recurred on the amendment, and the same was lost by the following vote:

Yeas—1.

Hume.

Nays—27.

Adams.	Lattimore.
Astin.	Mayfield.
Eryan.	Meachum.
Carter.	Murray.
Cofer.	Paulus.
Collins.	Peeler.
Hudspeth.	Perkins.
Johnson.	Ratliff.
Kauffman.	Sturgeon.

Terrell, McLennan, Warren.
 Terrell, Wise. Watson.
 Townsend. Weinert.
 Vaughan. Willacy.
 Ward.

Present—Not Voting.

McNealus.

Absent.

Real.

Absent—Excused.

Greer.

HOUSE MESSAGE.

Hall of the House of Representatives,
 Austin, Texas, Jan. 20, 1911.

Hon. A. B. Davidson, President of
 the Senate:

Sir: I am directed by the House
 to inform the Senate that the House
 has passed the following

House Concurrent Resolution No.
 12. Providing for a joint committee
 of the House and Senate to arrange
 for the election of a United States
 Senator for the term beginning March
 4, 1911.

Respectfully,
 O. P. BASFORD,

Acting Chief Clerk, House of Repre-
 sentatives.

HOUSE CONCURRENT RESOLU- TION NO. 12.

The Chair (Pres. Pro Tem. Hud-
 speth) had referred, after its cap-
 tion had been read, the following
 House Concurrent Resolution:

House Concurrent Resolution No.
 12, referred to Committee on State
 Affairs.

PENDING BUSINESS.

Action here recurred on the pend-
 ing simple resolution.

Senator Vaughan offered the fol-
 lowing amendment:

Add after Rule 90 the following
 rule:

POINT OF ORDER.

Rule 91. Pending the consideration
 or discussion of any point of order be-
 fore the presiding officer and the Sen-
 ate or either, any Senator may de-
 mand that the point of order be imme-

diately decided, and if seconded by ten
 Senators the presiding officer shall
 submit the question, "Shall the point
 of order be now decided"; if a ma-
 jority vote is in favor of it the point
 of order shall immediately be de-
 cided by the presiding officer, and if
 an appeal from his decision is taken
 the appeal shall be immediately de-
 cided by the Senate without debate.

The amendment was adopted by
 the following vote:

Yeas—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.

Absent.

Real.

PAIRED.

Senator Weinert (present), who
 would vote "nay," with Senator
 Greer (absent), who would vote
 "yea."

Senator Vaughan offered the fol-
 lowing amendment:

Strike out Rule 63 and substi-
 tute in place thereof the following:

Any rule or order of the Senate
 may be rescinded or changed by a
 majority vote of all the members
 elected except where otherwise pro-
 vided by the Constitution or the
 laws.

The amendment was adopted by
 the following vote:

Yeas—16.

Bryan.	Lattimore.
Carter.	Mayfield.
Cofer.	McNealus.
Collins.	Perkins.
Johnson.	Ratliff.

Sturgeon. Vaughan.
Terrell, Wise. Ward.
Townsend. Warren.

Nays—12.

Adams. Murray.
Astin. Paulus.
Hudspeth. Peeler.
Hume. Terrell, McLennan.
Kauffman. Watson.
Meachum. Willacy.

Absent.

Real.

PAIRED.

Senator Weinert (present), who would vote "nay," with Senator Greer (absent), who would vote "yea."

RECESS.

At 11 o'clock a. m., on motion of Senator Sturgeon, the Senate recessed until 12 o'clock this day.

AFTER RECESS.

The Senate was called to order at 12 o'clock m., the time to which a recess was taken, President Pro Tem Hudspeth presiding:

ADJOURNMENT.

On motion of Senator Sturgeon the Senate, at 12 o'clock m., adjourned until 1.55 o'clock p. m. today, January 20.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Bryan:

"We, the undersigned citizens of Taylor county, Texas, Respectfully ask the members of the Legislature to repeal the law requiring the men who sell family and veterinary remedies and other products to us from wagons to pay the large license provided by the present statute and to provide in its stead a license not to exceed fifty dollars per county, payable to the county road and bridge fund.

"The present license is excessive, unreasonable and unjust.

"We also wish to protest against the attempts of certain dealers to drive out the wagons by legislation, thus preventing competition by taking from us a legitimate source of supply and forming a monopoly for

themselves. It is not necessary for the Legislature to dictate where we shall purchase our goods."

Numerously signed.

By Senator Warren:

Terrell, Texas, Jan. 16, 1911.
To The Honorable Robt. L. Warren,
Austin, Texas.

We, the undersigned, would respectfully petition you to support the measure known as the Texas Itinerant Drug Venders' "Bill" which has for its object the regulation of the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity, and to provide for licensing of vendors of the same.

Numerously signed.

Senators Ward and Meachum, offered the following petition, numerously signed by citizens of their respective districts:

Petition to the Texas Legislature: Whereas, The present laws of Texas are defective and inadequate, therefore, we the undersigned citizens of the State of Texas hereby petition the ensuing Legislature to change the present laws: so as to eliminate Sunday fairs, shows, races, hunting, fishing, games and sports and excursions.

By Senator Cofer:

Sherman, Texas, Dec. 30, 1910.
R. E. Cofer, Gainesville, Texas.

Dear Sir: We are told that every State in the Union, except Texas, has honored the memory of their soldiers who fell in battle by placing monuments in the National Parks of the several states where they fell. Now we feel that it would be but tardy justice and honor to our beloved dead who fell in other states defending our beloved Southland to mark their graves by a fitting monument.

Now we would ask as representatives of the people of this great State, that you appropriate money for this purpose in that we may show our love for these brave men and that future generations may know of our great love for these, and that it may tell of the greatness of our Confederate dead.

We would urge you to give this matter your best efforts to the end that honor may be shown to our beloved dead.

Numerously signed.

By Senator Johnson:

A Petition:

We, the undersigned citizens of Hale county, respectfully ask the members of the Texas Legislature to repeal the law requiring the men who sell family and veterinary medicines and other products to us from wagons to pay the large license provided by the present statute and to provide in its stead a license not to exceed \$25.00 per county payable to the county road and bridge fund.

The present license is excessive, unreasonable and unfair.

We also wish to protest against the attempt of certain dealers to drive out the wagons by legislation, thus throttling competition by taking from us a legitimate source of supply and forming a monopoly for themselves. It is not necessary for the Legislature to dictate where we shall buy our goods.

Numerously signed.

By Senator Cofer:

We, the undersigned citizens of Texas, are opposed to the present high license imposed on the wagons that furnish us the very best proprietary medicines, extracts, spices, toilet articles, and stock remedies that can be had.

We also wish to protest against the attempts of certain dealers to drive out the wagons by legislation, thus throttling competition, and ask that the present license be reduced to not exceed fifty dollars per county, payable to the road and bridge fund.

It is not necessary for the Legislature to dictate where we shall buy our goods.

Numerously signed.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 17, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred,

Senate Joint Resolution No. 2, "A joint resolution proposing an amendment to Article XVI, Section 20 of the Constitution of the State of Texas, prohibiting the manufacture, sale, storage, barter, exchange, and intra-State shipment within this State, except for medicinal, scientific,

and sacramental purposes, of intoxicating liquors, fixing the time for the election, directing the proclamation therefor, and making an appropriation to defray the expenses of such election,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be proposed with the following amendments:

Strike out all after the words "a joint resolution" and before the resolution clause, and insert in lieu thereof the following:

"Proposing an amendment to Article XVI, Section 20, of the Constitution of the State of Texas, prohibiting the manufacture, sale, barter, exchange, and transportation from one point to another point within this State, except for medicinal, scientific, and sacramental purposes, of intoxicating liquors, fixing the time for the election, directing the proclamation therefor, and making an appropriation to defray the expenses of such election."

Second. Strike out all of Section 1 of the resolution, after the word "following," in line 4 of said Section 1, and insert in lieu thereof the following:

"Section 20. The manufacture, sale, barter, and exchange of intoxicating liquors is hereby prohibited within this State, except for medicinal, scientific and sacramental purposes; and the transportation of such liquors from one point in this State to another point in this State for such inhibited purposes is likewise prohibited. This section shall be self executing, and the Legislature shall pass efficient laws to enforce the same."

Third. Amend Section 2 of the resolution by striking out the word "there" in line 5 of said Section 2, and inserting in lieu thereof the word "thereof."

TERRELL of McLennan,
Chairman.

Committee Room,
Austin, Texas, Jan. 14, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared:

Senate bill No. 4, appropriating \$20,000 for contingent expenses of the Thirty-second Legislature.

And find it correctly enrolled, and have, on January 17, 1911, at 1:30 o'clock p. m., presented same to the Governor for his approval.

RATLIFF, Chairman.

Committee Room,
Austin, Texas, Jan. 14, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared:

Senate bill No. 3, appropriating the sum of \$120,000 to pay mileage and per diem of members and per diem of officers and employees of the Thirty-second Legislature.

And find it correctly enrolled, and have, on January 17, 1911, at 1:30 o'clock p. m., presented same to the Governor for his approval.

RATLIFF, Chairman.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
Friday, Jan. 20, 1911.

The Senate met at 1:55 o'clock p. m., which was pursuant to adjournment, and was called to order by Pres. Pro Tem Hudspeth.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Astin.	Paulus.
Bryan.	Feeler.
Carter.	Perkins.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
McNealus.	

Absent.

Ratliff. Terrell, McLennan.
Real.

Absent—Excused.

Greer.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator

Perkins, the same was dispensed with.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was presented to the Senate by the Private Secretary to the Governor:

Governor's Office,

Austin, Texas, Jan. 20, 1911.

To the Senate: The advice and consent of the Senate is respectfully asked for the following appointments:

To Be Members of the Prison Commission:—Ben E. Cabell, of Dallas County, for the term of two years. Louis W. Tittle, of Cherokee County, for the term of sixteen months. Robert W. Brahan, of Walker County, for the term of eight months.

To Be Public Weighers at Houston—S. E. Boyd, E. A. Calvin, David Rice, W. C. Crane, W. E. Edmundson, A. Cole, all of Harris County.

Respectfully submitted,

O. B. COLQUITT,
Governor.

EXECUTIVE SESSION—TIME SET FOR.

Senator Weinert made the following motion:

In view of the fact that at 12 o'clock, midnight, Thursday, January 19, 1911, the old law under which all officers and employees of the State Penitentiary System held and exercised their powers and authority expired and was repealed by the going into effect of the new law; and whereas the new officers provided for under the new law now in force have not been confirmed by the Senate and are without authority to act and that no one has lawful authority to take charge of, manage or control the Penitentiaries and the Penal System of Texas, to the end that chaos may not reign in the Penal System, and to the end that lawful authority may be forthwith vested in some person or persons to take charge of, and control and conduct the Penal System and its properties, for the protection of said System and its properties, and to prevent mutiny or escape of prisoners if necessary.

Therefore, we move that the Senate do go into executive session to consider the appointments of Penitentiary Commissioners and all other ap-